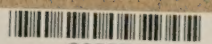


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R E P O R T S
FROM
C O M M I S S I O N E R S :

TWENTY VOLUMES.

— (5.) —

CHANCERY, COURT OF;
CHARITY COMMISSION; CIVIL SERVICE.

Session
31 *January* — 29 *July* 1856.

V O L. XXII.

1856.

REPORTS FROM COMMISSIONERS:

1856.

TWENTY VOLUMES:—CONTENTS OF THE FIFTH VOLUME.

N.B.—*THE* Figures at the beginning of the line, correspond with the N° at the foot of each Report; and the Figures at the end of the line, refer to the MS. Paging of the Volumes arranged for *The House of Commons*.

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CHANCERY COMMISSION.

THE THIRD REPORT

OF

HER MAJESTY'S COMMISSIONERS

APPOINTED TO INQUIRE INTO THE



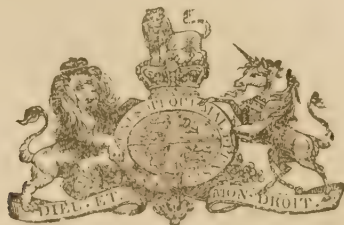
PROCESS, PRACTICE, AND SYSTEM OF PLEADING

IN THE

COURT OF CHANCERY,

&c.

Presented to both Houses of Parliament by Her Majesty's Command.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

2064

THIRD REPORT.

TO THE QUEEN'S MOST EXCELLENT MAJESTY IN HER HIGH COURT OF CHANCERY.

WE, Your Majesty's Commissioners for inquiring into the Process, Practice, Principal subjects and System of Pleading in the High Court of Chancery, and the Jurisdiction of Report. of the same Court, and other matters connected therewith, humbly certify to Your Majesty that since we made our Report on the state of the law and of the Jurisdiction of the Courts in relation to matters testamentary, our attention has been principally directed to the mode of taking evidence in the Court of Chancery, introduced by the Act for the Improvement of the Jurisdiction of Equity and the General Orders made under it, and to the course of proceeding adopted in drawing up the decrees and orders of the Court.

In our First Report to Your Majesty we stated that we proposed in a future Report to discuss the questions of abolishing the distinction between law and equity, and of blending the Courts into one Court of universal jurisdiction. Reference to First Report. We also stated our opinion, that without abolishing the distinction between law and equity, or blending the Courts into one Court of universal jurisdiction, a practical and effectual remedy for many evils might be found by conferring upon Courts of Law and Equity such jurisdiction as would enable them to administer entire justice, without obliging suitors in the one Court to resort to the aid of the other.

Having, in obedience to Your Majesty's Commission directing us to inquire Jurisdiction of the Courts. into the subject of testamentary jurisdiction, occupied ourselves with that inquiry, we were unable immediately to apply our attention to the more general subject of the jurisdiction of Courts of Law and Equity. In the meantime various changes have been made in the jurisdiction and procedure, both of Courts of Law and Equity. The Common Law Procedure Acts and the Chancery Amendment Acts have to a considerable extent widened the ground common to the jurisdiction and procedure of both Courts; and it has appeared to us, that until the effect of these changes has been more fully ascertained by experience we could not usefully prosecute our inquiries on the general subject of the jurisdiction of the Courts.

We have, however, arrived at the conclusion, that it would be expedient further to extend the jurisdiction of Courts of Equity in cases in which the Courts grant equitable relief, but in which the relief cannot, according to the present course of the Court, be extended to the final settlement of the dispute between the parties. Cases in which Courts of Equity grant equitable relief without finally settling dispute between the parties.

For example, a person injured by a wrongful act, which would entitle him to damages in a Court of Law, and to an injunction in Equity restraining the further continuance of the wrongful act, applies for an injunction in Equity without previously resorting to a Court of Law for damages. A Court of Equity, though granting the injunction, has at present no jurisdiction to compel the wrongdoer to make compensation for the injury committed, except that in some cases, in which it can be shown that the defendant has actually derived profit from the act complained of, the Court has power to make him refund his gains. We are of opinion that in all cases in which a Court of

Injunction and Damages.

Equity interferes by injunction it should have jurisdiction to give compensation in damages for the injury done, in addition to restraining the commission of the injury for the future, and that such damages should be given although the act complained of may have produced no profit to the wrongdoer. We are further of opinion that a plaintiff obtaining an injunction in equity should not be entitled to proceed at law for damages.

Specific performance of contracts.

Again, a person entitled to the specific performance of a contract, cannot in general obtain in equity compensation for losses which he may have sustained by its nonperformance. It is obvious that the performance of a contract at a time subsequent to that at which it ought to have been performed may be a very inadequate remedy for the injury committed by a refusal to perform it; and we are of opinion that in all cases in which damages could be recovered at law for breach of a contract directed by a Court of Equity to be specifically performed, the Court should have jurisdiction to grant compensation in damages for the loss sustained up to the time of the contract being performed, in addition to decreeing its specific performance.

Compensation without specific performance.

There are other cases of contract in which the Court, without any default on the part of the plaintiff, finds itself unable, from special circumstances, to grant him the peculiar equitable relief of specific performance, and in which we think the Court should have jurisdiction to give the plaintiff such other compensation as he ought in justice to have.

Specific performance discretionary.

It very frequently happens, in suits for enforcing the performance of contracts, that the Court is satisfied that a valid contract has been entered into, and that a Court of Law would give damages for breach of it, but that there are particular circumstances in the case, which prevent the Court from decreeing specific performance, and consequently it leaves the party complaining to his remedy at law. For instance, a trustee may have contracted to sell a trust estate without disclosing the trust, for an inadequate consideration, or otherwise upon terms which, as between him and his cestuis que trust, would be a breach of trust. To enforce such a contract against the trustee by decreeing specific execution would be contrary to the established principles of equity, and accordingly the Court would decline to interfere, leaving the claimant, who, so far as his own conduct was involved, had a perfectly unimpeachable case for equitable relief, to bring an action in another Court for breach of the contract. Other instances might be enumerated; and as the Court exercises its discretion in each case brought before it, according to its particular circumstances, it is often difficult to determine before suit whether the contract is one the performance of which can be enforced in equity, or one in which the plaintiff should be left to his remedy at law.

Damages by way of alternative relief.

We think that it should be competent to a party who, except for such special circumstances as we have adverted to, would in the ordinary course of the Court be entitled in equity to a specific performance of the contract, to ask in the alternative that the contract may be specifically performed, or that he may have damages for its nonperformance, in case the Court should be of opinion that the contract ought not to be specifically performed, and that the Court should have jurisdiction to give such damages by way of alternative relief.

Party entitled to require Court to adjudicate on a right to damages.

We also think that the exercise of the jurisdiction as to damages should not be discretionary with the Court, but that the party should be entitled to require the Court to adjudicate upon his right, and if his right should be established, to have the amount of damages assessed.

Assessment of damages.

We do not apprehend that there would be any difficulty in the damages being assessed by a Court of Equity in such cases as we have adverted to. Such a jurisdiction has been frequently exercised of late years upon applications for a writ of *ne exeat regno*, or an injunction, in which the Court has declined to interfere except upon the terms of the applicant undertaking to be answerable in damages in case it should appear that he was not entitled to the relief asked; and has afterwards proceeded to assess the damages.

Issue.

In many of such cases it might be expedient to have the amount of damages assessed by a jury, on an issue *quantum damnificatus*, and power should be given to the Court for this purpose, to send such issue to be tried at *Nisi Prius*, or before the Sheriff, or in the County Court.

The questions of transferring to the Court of Bankruptcy the administration of the estates of deceased traders, and of making the Commissioners and Officers of the Court of Bankruptcy auxiliary to the Court of Chancery, have also been considered by us, and we expressed our views on these subjects in a memorandum laid before the Lord Chancellor in the month of May 1854, a copy of which is appended to this our Report. For the reasons therein set forth, we arrived at the conclusion, that an extension of the jurisdiction of the Court of Bankruptcy to the administration of deceased traders' estates would not be beneficial to the public, and that, having regard to the abolition of the office of Master in Chancery and of many formal proceedings in the Court of Chancery, it would not be expedient to make the Commissioners and Officers of the Court of Bankruptcy auxiliary to the Court of Chancery. We continue of this opinion.

Court of Bankruptcy.

Memorandum, Appendix, p. 21.

The Act for the Improvement of the Jurisdiction of Equity, and the General Orders made under it, introduced into the Court of Chancery the system of oral examination of witnesses. The mode adopted was that practised in Courts of Common Law when a witness was about to go abroad. The witness, being sworn before an Examiner, was examined orally before him by the counsel or solicitor of the party calling the witness, and cross-examined orally by the counsel or solicitor of the opposite party. The evidence was taken down by the Examiner in the form of a narrative, and when concluded was signed by the witness, the deposition so taken being read to the Court as evidence when the matter came to be discussed there.

Oral examination of witnesses in Chancery.

Complaints having been made with respect to this mode of examination principally on the ground of the delay and expense with which it was attended, we took steps to ascertain the practical working of the system, and having considered the objections made to it, we embodied our views on the subject in a memorandum laid before the Lord Chancellor in the month of August 1854, a copy of which is appended to this our Report.

Complaints made with respect to this mode of examination.

Memorandum, Appendix, p. 23.

In order to arrive at a proper conclusion on these points we examined several witnesses, and framed questions, which were extensively circulated, and produced answers and suggestions from counsel, solicitors, and officers of the Court. The evidence so taken, and the questions and answers to which we have referred, will be found in the Appendix.

Appendix, p. 25 to 71, 128 to 193.

The recommendations contained in the above-mentioned memorandum were substantially carried into effect by a general order of the Lord Chancellor, made on the 13th January 1855, which we believe has to some considerable extent removed the evils complained of.

General Order of 13th January 1855.

We have, however, to add on this subject that it is one of a very difficult nature, and that in our opinion further experience is required before it can be determined with any certainty what is the best system of taking evidence in the Court of Chancery.

We proceed to consider the course pursued in drawing up the orders of the Court.

Course pursued in drawing up orders.

These orders are in general drawn up in the office of the Registrars of the Court. There are now 11 Registrars and 14 clerks to the Registrars, among whom the business of the office is distributed.

Registrar's office.

The establishment of the office is regulated by the following Acts of Parliament:—

1st. The 3d and 4th Will. 4. c. 94. (1833) which abolished the office of Registrar as it had previously existed, and created an establishment of six Registrars and eight clerks. The office of Registrar had become a sinecure, and its duties were performed by deputy, the officers actually performing the duties being styled Deputy Registrars.

3 & 4 Will. 4. c. 94. (1833.)

At this time there were three Courts of Chancery sitting; namely, the Court of the Lord Chancellor, the Court of the Master of the Rolls, and the Court of the Vice Chancellor of England; so that there were two Registrars for each

Court. A clerk was attached to each of the Registrars. The remaining two clerks not attached to any Registrar were considered to be more especially under the superintendence of the senior Registrar.

5 Vict. c. 5. (1841). 2d. The 5th Vict. c. 5. (1841) which transferred to the Court of Chancery the equitable jurisdiction of the Court of Exchequer, and created two additional Vice Chancellors.

The number of Courts sitting being thus increased to five, the Act created four more Registrars and four additional Clerks, and authorized the Lord Chancellor to appoint further additional clerks, which power was exercised by the appointment of two additional clerks. Thus the establishment consisted of ten Registrars and fourteen clerks.

14 & 15 Vict. c. 83. (1851). 3d. The 14th and 15th Vict. c. 83. (1851) which added a Court of Appeal in Chancery.

This Act authorized the appointment of one additional Registrar only, though an additional Court was established. We believe that it was at the time considered that one additional Registrar only was required, it being thought that the Lord Chancellor and the Judges of the Court of Appeal would be rarely sitting at the same time in separate Courts. No additional clerk was appointed, but one of the four unattached clerks was attached to the new Registrar, thus leaving three unattached.

Succession in the Registrar's office.

Under these Acts of Parliament, whenever a vacancy occurs in the office of Registrar or of clerk to the Registrars, the vacancy is supplied by the Registrar or clerk to the Registrars next in seniority, if willing to accept the office, unless some substantial objection is made to such person, in which case the Lord Chancellor determines on the validity of the objection. This right of succession is subject to certain provisions with respect to some of the Registrars and clerks to the Registrars made on transferring some officers of the Court of Exchequer when the equitable jurisdiction of that Court was transferred to the Court of Chancery, but it is unnecessary to state these provisions, as they are temporary only, and do not substantially affect the principle of succession established by the Acts.

The consequence of the succession thus established in the Registrars' office is that on each vacancy a clerk is appointed, who rises gradually by seniority, and many years necessarily elapse before a clerk succeeds to the office of Registrar. The average period of service as clerk is stated to be twenty years.

The principle of succession by seniority has always prevailed in the Registrars' office. Before the passing of the Act of 1833 the clerks were appointed by the Registrars (then deputy registrars) by articles of clerkship, and each clerk so appointed continued to serve under the same Registrar or his successor, or under one of the other Registrars to whom he might be assigned, until he himself succeeded by seniority to the office of Registrar. The clerks, instead of being appointed by the Registrars themselves, are now, under the authority of the above-mentioned Acts of Parliament, appointed by the Lord Chancellor. Each person appointed must be a solicitor, or have served five years under articles of clerkship to a solicitor.

Building in Chancery Lane occupied by Registrars.

The Registrars and their clerks occupy a building in Chancery Lane, which was provided for the establishment when it was much smaller than at present. Few of the Registrars have rooms to themselves, and the clerks all sit in one room, which is the common resort of the solicitors and their clerks having business in the office, and which is also occupied by two clerks of entries, and by the two bag-bearers attached to the Registrars' office. The two junior Registrars and the clerks attached to them have been unable to find room in the office, and chambers have been taken for them on the opposite side of Chancery Lane.

Attendance in Court of Registrars. Order of 10th July 1850.

A Registrar attends each of the Courts whenever the Court sits, for the purpose of taking minutes of the orders made, and entering the documentary evidence adduced in each case. By an order of the Court, dated the 10th of July 1850, the Registrars were directed to attend in Court on alternate days, and two Registrars were to take each of the six Courts week by week in rotation. Each Registrar would therefore under this system of rotation be at the office every alternate day during the sitting of all the Courts, besides those days on

which the Courts do not sit. The rotation has been somewhat interfered with since the year 1851, when the Court of Appeal was established, especially during Michaelmas and Hilary Terms and the intermediate sittings, when the Lord Chancellor has frequently sat in a separate Court from the Lords Justices, and there have been consequently six Courts sitting at the same time.

The attendance of the registrars at their own office is further interfered with by one of them having to attend three days in the week at the Accountant-General's office to countersign his cheques.

Attendance of Registrars at Accountant General's office to countersign his cheques.

The Registrar having taken down in Court a note of the counsel attending on each case, the evidence adduced, and the order made, it is his duty to draw up the order in proper form, with such consequential directions as may be necessary, according to the practice of the Court and the nature of the case.

The number of those orders of the Court which are drawn up by the Registrars is very large, amounting to 11,446 in the year ending on the 31st October 1854, the last day to which returns have been made. Many of these orders are of a special and complicated nature, dealing frequently with property of large amount, declaring and determining the rights of parties under settlements, wills, and otherwise, and directing the mode in which the estates or funds in question are to be enjoyed or disposed of. Where the funds disposed of by any order stand in the name of the Accountant General, the order contains directions under which the Accountant General sells or transfers stock, makes payments, or carries over stock or money to different accounts according to the nature of the case. In such cases the orders are necessarily very minute and particular, specifying precisely each particular fund to be affected, and the manner in which it is to be dealt with.

Number of orders drawn up by Registrars. Orders of a special and complicated nature.

In the very common case of a suit for administering the estate of a testator when the funds are in court, the order contains directions for payment of creditors and legatees, for carrying over to separate accounts funds to secure annuities given by the will, and for the division of the residue among the persons entitled; each creditor or legatee, and the amount of the fund to be transferred or paid to him, being either particularized in the order or in some document referred to by it, upon which the Accountant General can act. Where the persons interested are numerous, and their interests are complicated, the order often necessarily extends to great length, and in all cases great care and attention are requisite to ensure accuracy.

Orders in administration suits.

All payments made out of funds in court are so made by means of cheques drawn by the Accountant General on the Bank of England, and these cheques are countersigned either by one of the Registrars or by an officer of the Court lately called the Master of Reports and Entries, whose office has been recently abolished, but the late holder of which still continues to perform his portion of this duty.

Accountant General's cheques.

In order to enable the Registrars to draw up correctly the order of the Court, a brief held by the counsel in the cause, having his indorsement of the order made, is left at the Registrar's office, with other necessary papers, and when the papers are so left the order is said to be "be-spoken." A minute of the order is then prepared, in some cases by the Registrar himself, in others by the Registrar's clerk. From the minute so prepared the Registrar's clerk prepares the draft of the order, and hands it to a stationer employed by the Registrar for the purpose of making a full draft of the order for the solicitor of the party who has "be-spoken" it, and of the mandatory part of the order in the shape of a minute, for each of the other solicitors who may require a copy. The solicitors, upon application at the Registrars' office, obtain from the Registrar's clerk the copies so made. And the solicitor of the party who has "bespoken" the order gives notice to the other solicitors to attend the Registrar upon the settlement of the draft, fixing a time when he has reason to believe that the Registrar will be at the office. A paper is put up in the office stating the Registrars' names, and the days of their attendance in Court and at the Accountant General's office, so that the solicitor may calculate when the particular Registrar, whose duty it is to draw up the order, will be at the office. If the solicitors attend the appointment so made, and there be no dispute among them as to the terms of the order, or in the event of a dispute, if the

Bespeaking order.

Minutes.

Settlement of the draft.

question can be determined by the Registrar, the minutes of the order are then settled. The order is thereupon given out by the Registrar to the stationer to be copied, and when copied is delivered to the solicitor on his applying for it. The solicitor then fixes a time, as before, for himself and the other solicitors to attend the Registrar on the "passing" of the order. Upon the Registrar being so attended, any objections which any of the parties may have to the form or terms of the order are stated, and if there be no objection, or if the objections taken are removed, the order is generally left with the Registrar to be passed. He then carefully goes through the order, correcting any inaccuracy that may inadvertently have crept into it, and ultimately "passes" it by placing his initials in the margin at the end of the order. The order so passed is delivered out to the solicitor on his applying for it, and he then leaves it with the entering clerk to be "entered" in the books of the Court. When this is done, and not before, the order is complete. It is then delivered out to the solicitor on his applying for it.

Passing the order.

Entering the order.

Time occupied.

Orders for injunctions.

Ex parte orders.

Orders at chambers.

Differences on settlement of minutes.

It is obvious that these several steps must necessarily occupy some considerable time; and we are informed that the shortest time in which an order can be drawn up when these steps are taken is ten days. In many cases a much longer time is occupied. It is, however, to be observed that in cases of orders for injunctions or other urgent matters, the order is often drawn up, passed, and entered at once without passing through these several stages.

Orders made *ex parte* are generally drawn up at the office without a settlement of the draft, and without notice to the opposite party, and consequently more speedily than those to which reference has been made. Orders of a simple nature made at chambers are also completed without much delay.

It often happens that differences arise between the parties on a settlement of the minutes, sometimes as to what the order really made by the Court was, but more frequently upon the details necessary to work out the principle of the order pronounced by the Court. Parties often are apparently agreed upon the terms of an order until they see its effect when drawn up in detail, and a discussion on the minutes then ensues. Again, a cause or matter is often disposed of in court without the attention of the Judge being drawn to points which are afterwards found to be material. From these and other causes the Registrar sometimes finds himself unable to settle the terms of the order without an application to the Court being made by the parties or some of them for its directions.

Different kinds of orders.

The orders pronounced by the Court in suits formally instituted are either orders made on the hearing of the cause, when the question between the parties is decided or put in a train for further investigation, or orders made in interlocutory proceedings, on petition or motion according to the nature of the case. Large numbers of orders are also made, generally on petition, under a jurisdiction conferred on the Court by Statute without any suit being actually pending. This jurisdiction has been greatly extended of late, and now forms one of the most important portions of the business of the Court.

Division of duty of preparing drafts.

A practice has prevailed in the Registrars' office for many years, of dividing the duty of preparing the drafts of the minutes of orders in such a manner as that the minutes of orders made on the hearing of the cause, whether originally or after preliminary investigation, and usually called decretal orders, are drawn up by the Registrars themselves, while the minutes of orders on petitions or motions are drawn up by the clerks to the Registrars. If, however, an order of the latter description is of a very complicated nature, the Registrar himself sometimes prepares the minutes. As the Registrars' clerks do not ordinarily attend in court, they are obliged to trust to the note taken by the Registrars, which is often very short, and to the indorsements on the counsel's brief, which are also of a very concise nature. The minutes drawn up by the clerks are ordinarily issued without previous communication with the Registrar, though the order cannot be passed without the Registrar himself perusing and settling its terms. Both the Registrars and their clerks seem to consider their respective duties in relation to drawing up minutes as defined by custom and the practice of the office, and it has not been the practice for the clerks to draw the minutes of any decretal order, though they are often merely of a formal nature, nor,

on the other hand, has it been the practice for the Registrars themselves, except in rare instances, to draw minutes of orders on petitions or motions though of a special nature. The time of the clerks attached to the Registrars is greatly occupied with delivering out papers to solicitors and answering their questions, and with matters of a purely formal nature.

Having thus stated generally the constitution and practice of the Registrars' office, we proceed to notice more particularly the causes of the delays which occur in drawing up the orders of the Court.

Causes of delays in drawing up orders.

One of these causes we conceive to be want of precision in ascertaining the order of the Court made in the particular case. It might be thought that as the Registrar is present in court when the judgment is pronounced, little or no difficulty would exist in ascertaining accurately the order made, and this is doubtless the case when the Registrar has been present not only when judgment was pronounced, but during the whole argument, where the case has been fully opened, and where every point has been brought under the consideration of the Judge and decided by him. But it very frequently happens that the Registrar present during the argument is not the same Registrar who hears the judgment; and in that event he can be but imperfectly acquainted with the facts of the case, and the bearing of the judgment upon them. It is very common for a cause to be commenced on one day, finished on another, and for judgment to be given on a third day, a different Registrar being present on each day. Not unfrequently the argument of a cause lasts more than two days, and on each of the days occupied a different Registrar may be present. In such cases the judgment is often reserved, when a Registrar who has heard no portion of the case argued may be the Registrar whose province it is to draw up the order. Indeed, on examining the different cause papers of the various Courts, we find that scarcely a day passes in which a part-heard cause or matter is not in the paper of one or more of the Courts, and on some days a part-heard cause may be found in the paper of each of the Courts.

Want of precision in ascertaining the orders of the Court in the particular case.

It would seem to be a remedy for this evil that Registrars should be attached permanently to each Court; but this would not remove the difficulty, because it is essential that the Registrars should attend at the office as well as in court, and if two Registrars were attached to each Court, each Registrar attending the Court on alternate days, there would still be a large number of cases in which the same Registrar would not be present during the hearing of the cause and when judgment was pronounced. The plan of attaching two Registrars to each Court was tried some years since, and failed, principally from the unequal number of orders made in the different Courts; so that while the Registrars attached to some of the Courts were unable to accomplish their work, others of them had little to do out of court. It must be observed that cases in the Appellate Courts are fewer in number and occupy a larger proportion of time in argument than those in the other Courts. They also furnish much less business for the Registrar, because many of the orders appealed from are simply affirmed, others are varied, and there are few appeals in which orders are made, throwing much trouble on the Registrars.

Attaching Registrars permanently to each Court.

Plan not approved of.

We have considered whether the difficulty might not be obviated by attaching Registrars to the Courts for a limited period, but we have been unable to devise any plan for the purpose which we think likely to be successful.

Attaching Registrars for a limited period not likely to be beneficial.

On the whole, we have arrived at the conclusion that it would not be expedient to make any alteration in the existing system of attendance by rotation, as prescribed by the order of 10th July 1850.

There are, moreover, other difficulties in the way of ascertaining with precision the orders of the Court besides the one to which we have adverted. It often happens that a portion only of the case is opened to the Court, the parties being agreed, or supposing themselves agreed, on the rest of the case. The decision of the Court upon the points in dispute has frequently an important bearing on the other points of the case, and other questions then arise

Other difficulties.

not previously anticipated, and upon which the Court has pronounced no opinion. Even in contested cases this not unfrequently occurs. The judgment of the Court decides the points argued, but consequences follow from the decision which have to be worked out in detail in the order, and upon these details differences constantly arise.

Indorsements on counsel's brief of the decision.

Again, each counsel indorses on his brief a note of the decision according to his own interpretation of it. These indorsements sometimes vary from the Registrar's note and from each other. Each party then contends for the interpretation put on the decision by his own counsel, and delay and expense arise from attempts to reconcile these conflicting notes. The Registrar's note ought to prevail; but as the counsel are better acquainted with the case than the Registrar, the Registrars are naturally apt to distrust the accuracy of their own notes, and endeavour to ascertain the actual order from comparing all the notes made at the time.

Uncontested cases.

These difficulties are experienced in a still greater degree in cases which are not contested in court, when so much only of the case is opened to the judge as to satisfy him that the parties are entitled to the order asked, the details being left to be worked out by the parties or by the Registrar. In these cases when the order is not one of the most ordinary nature the minutes are generally prepared by counsel, and are often settled by the counsel of the different parties in conference. When so settled there is generally little or no difficulty. It is, however, the duty of the Registrar to frame the order, and he cannot require the assistance of counsel.

Minutes of orders on petitions and motions.

It has been already explained that the minutes of orders on petitions and motions are prepared by the Registrars' clerks from the Registrar's notes and the briefs of counsel, while the minutes of decretal orders are prepared by the Registrars themselves. The Registrars' clerks not being generally in the habit of attending Court, and not possessing the experience of the Registrars, ought not, as we conceive, to be solely intrusted with the duty of preparing the minutes of all orders on petitions or motions. Many of these orders, on petitions particularly, are of a very complicated and difficult nature, comprising the cases in which a summary jurisdiction has been conferred on the Court by various Acts of Parliament, *e. g.*, the Act giving the Court power to appoint new trustees in a summary way, and to vest the trust property in new trustees or otherwise as may be requisite: the Trustees Relief Act, authorizing trustees to pay trust funds into Court, and authorizing the Court to distribute those funds on petition without bill filed: the various Railway Acts and other Acts authorizing public works: besides all private Acts conferring a summary jurisdiction on the Court. The minutes prepared by the clerks are delivered out without their having previously been submitted to the Registrars, and in many cases much delay and expense have arisen from the imperfect nature of such minutes. The solicitor having obtained the minutes, and finding them imperfect, generally consults counsel upon them; and as each solicitor probably does the same, much time is consumed in obtaining the counsel's alterations, in collating the minutes as altered by counsel, and subsequently arranging the terms of the order. The minutes prepared by the Registrars themselves are also sometimes imperfect, giving rise to similar applications to counsel, and consequent alterations and discussion.

It is further to be observed that the imperfect state of the minutes furnishes an excuse for delay by parties to whom the order is adverse, and who may wish to postpone the execution of the order, and to throw obstacles in the way of its being drawn up.

Practice on settlement of minutes.

The minutes of every order on which any question arises are settled with the Registrar at the Registrars' office; and the practice is for the solicitor having the carriage of the order to give notice to the opposite solicitors to attend the Registrar for that purpose at a time fixed by the notice, generally on the first day after the notice is given at which the particular Registrar is expected to be at the office. The time of the day fixed for this purpose is generally at some time between 12 and 2 o'clock; and as many minutes have to be

settled, and many orders have to be passed at the same time, the Registrar is generally, more particularly during the busy season of the year, overwhelmed with these attendances; his room is crowded with solicitors pressing for attention, and much confusion arises, especially when, as often happens, two Registrars are sitting in the same room, each pressed by solicitors. It is practically impossible usefully to discuss the terms of a complicated order under such circumstances. But this is not the only difficulty, for if all the solicitors do not attend, the Registrar generally declines to settle the minutes, and another appointment must be made. When the second appointment is made, some or one of the solicitors may still be absent, and fresh delay arises. The Registrar is naturally unwilling to settle the minutes unless all parties are present, on account of the inconvenience and expense attending the correction of an order when drawn up, if any material error should be discovered in it. The appointments at the Registrars' office are not considered peremptory, and they generally take place at the busiest part of the day; and as six Courts of Equity are sitting at the same time, and as business is transacted at the same time in the chambers of four Equity Judges and of six Taxing Masters, besides the Masters' offices and the Examiner's office, it is extremely probable that solicitors in extensive practice will be engaged elsewhere at the time fixed.

It sometimes, too, happens that a Registrar is compelled to be in court or at the Accountant-General's office when he is expected at the Registrars' office, and in that event the appointment to settle the minutes necessarily fails.

It is further to be observed, that every order contains a reference to the evidence on which it is made, and particularly notices the documentary evidence, generally specifying the nature of the document and its date, if any, or if the document be referred to as an exhibit, then either specially noticing the mark on the exhibit or identifying the exhibit generally by reference to the affidavit or deposition produced. When a cause is regularly heard at length, and all the evidence produced and read in court, the Registrar sitting in court takes down a note of each document as it is handed in; but as it often happens that the evidence is not read at length, in some cases those portions only being read which are material to the points disputed before the Court, and in other cases no portion being openly read in court, the Registrar has not the opportunity of taking down notes of the documents. In order, therefore, to the evidence being properly entered in the order when drawn up, it is necessary that the Registrar should be furnished by the solicitor with a list of the documents to be entered. Evidence referred to in order.

Again, a very large proportion of the orders consists of orders to be acted on by the Accountant-General, and before such orders can be drawn up the certificate of the Accountant-General, shewing the exact amount and particulars of the fund in court, must be produced. Orders to be acted on by the Accountant General.

Furthermore, before the order can be passed, the briefs of the counsel appearing before the Court in the case must be produced, to satisfy the Registrar of their having appeared, and where parties are numerous and the solicitors hostile or negligent, great difficulty and delay occur in the production of the briefs. Production of briefs.

It sometimes happens that the Registrar discovers that some material party has not been served with proper notice of the proceeding, in which case the order cannot be drawn up without the production of a brief for the party omitted to be served, or the matter being brought again to the attention of the Court.

Again, it sometimes happens that in the opinion of the Registrar the order may have been pronounced by the Court without all the circumstances of the case having been sufficiently drawn to its attention, or may from inadvertence be contrary to the established practice of the Court, and in these cases the Registrar deems it to be his duty not to draw up the order without the matter being brought under the Judge's notice.

The points to which we have adverted seem to us to indicate the principal causes of the delay in drawing up the orders of the Court. In some

cases, however, the complicated nature of the order renders it necessary to bestow much time and attention on the details, and in these cases delays are often unavoidable.

Suggestions for improving mode of transacting business.

Various suggestions have been made for improving the mode of transacting the business of the Registrars' office.

Among others it has been proposed that the Registrars should be relieved from the duty of attending to countersign the Accountant General's cheques. This duty was formerly performed by the Registrars only, but by an order of Lord St. Leonard's, made on 27th July 1852, the duty was directed to be performed by the Master of the Reports and Entries on three days of the week, one of the Registrars being in attendance on the other three days.

Countersigning cheques.

When the Accountant General draws any cheque upon the Bank except for dividends, the sum for which the draft is drawn is marked in figures in the margin of the order directing the payment, and the Accountant General puts his initials opposite these figures. It is the duty of the Registrar before he countersigns the cheque to see that the cheque is drawn in favour of the person to whom it is ordered to be paid, and that the amount of it corresponds with the sum specified in the order, and he writes his initials in the margin of the order opposite the amount specified. This signature operates as a guard against two cheques being produced to the Registrar successively for the same payment. The same course is pursued on the first payment of dividends under an order, but after the first payment the order is not produced to the Registrar, so that he simply countersigns the Accountant General's cheque on its being produced to him. It is the practice in the Accountant General's Office for the Accountant General to sign the cheques upon his being satisfied that the cheque is drawn in favour of the proper person and for the proper amount. The cheques being so drawn are intrusted to the clerks, to be by them given out to the persons entitled, on their signing a receipt in the Accountant General's books. These cheques, especially cheques drawn for dividends, may remain some time in the office before application is made for them.

Abolition of the practice not recommended.

If the practice of countersigning the cheques were abolished, the consequence would be that if a cheque were abstracted from the office, any person might obtain payment for it at the Bank at once, and without application elsewhere. According to the present system this could not be done, but the cheque, after it has been received from the clerk, must be presented to the Registrar or the Master of the Reports, and except when drawn for dividends the order must also be presented to one of these officers. We regard this course of proceeding as a protection against fraud, and we are not prepared to recommend the abolition of such protection, more especially as we find that the Accountant General is strongly opposed to its removal, and indeed is of opinion that an opportunity should be afforded for performing this duty more carefully than it can be at present done, by the countersigning officer being relieved from all other business during his attendance at the Accountant General's office. We think it is of importance that this duty of countersigning the cheques should still be performed, and we are of opinion that a duty of this nature is better intrusted to a body of responsible and experienced officers like the Registrars, acting in rotation, than to a single officer to be appointed for the purpose.

Appendix, p. 210.

Proposed increase in number of Registrars.

It has been also suggested that the number of Registrars should be increased to twelve, thus giving two Registrars to each court; but we are not satisfied that an increase in the number of Registrars is necessary. The Lord Chancellor and the Lords Justices are not sitting in separate courts every day in the week, except perhaps during Michaelmas and Hilary Terms and the intermediate sittings, at which time there is less press of business than at other periods of the year, so that an increase in the number of Registrars does not appear necessary on the ground of the constant sitting of six Courts. It will be seen that in a subsequent part of this our Report we recommend that assistance should be given to the Registrars in the discharge of their duties out of court. Should this recommendation be carried into effect, the Regis-

trars will be greatly relieved in respect of this portion of their business We think it right, however, to observe that, though we do not recommend the appointment of an additional Registrar at present, we think it probable that such an appointment may hereafter be required, especially having regard to the progressive increase in the number of orders, and we consider it desirable that power should be given to the Lord Chancellor to increase the number of Registrars to twelve, if, after the alterations which it is proposed to make shall have been made, such an appointment should be found necessary. The recent abolition of the office of Master of the Reports and Entries furnishes, in our opinion, an additional reason for giving such a power to the Lord Chancellor, because the whole duty of countersigning the Accountant General's cheques, half of which is now performed by the gentleman who lately held the office of Master of the Reports, will, upon his death, devolve on the Registrars.

Not immediately recommended.

Power to the Lord Chancellor to increase the number to twelve.

It has been further suggested that the orders should be drawn up by the solicitors and submitted to the Registrars for their sanction. We do not, however, approve of this suggestion. We think that the orders of the Court should be drawn up by officers of the Court trained for the purpose, and we apprehend that orders drawn up by agents of the parties would often be made more favourable to the party drawing them up than the judgment of the Court warranted, and that consequently disputes and differences would arise more frequently, leading to great expense and frequent applications to the Court. We apprehend, moreover, that uniformity in the mode of drawing up orders would gradually cease, and that much confusion and uncertainty would consequently be introduced into the practice of the Court. A serious additional expense would also be thrown upon the suitors by such a change in the practice, for practically the orders would in most cases be drawn by counsel, and delay would also, in our opinion, be increased, since it would often be impracticable for counsel, consistently with their other engagements, to frame the order immediately after it was pronounced. We have arrived at the conclusion that the orders should continue to be drawn up by the Registrars.

Suggestion that orders should be drawn up by solicitors,

not approved of.

We think, however, that the practice of the Registrars' office, by which the minutes of decretal orders are drawn up by the Registrars, and the minutes of orders on petitions and motions by the clerks, should be altered, and that the clerk attached to each Registrar should prepare such of the orders, whether decretal or otherwise, as the Registrar to whom he is attached may direct, and that the drafts of all the orders prepared by the clerk should be submitted to, or be expressly sanctioned by, the Registrar before the draft is delivered out. We also think that it should be an instruction to the Registrars to deliver out the draft in the first instance in as perfect a state as possible, and with this view we recommend that a general order should be issued, specifying in general terms what papers are to be left, preparatory to drawing up the order, so that the solicitors may know authoritatively what is required.

Alteration in practice of drawing up minutes recommended.

We also think that a short limited time should be fixed by a general order within which the order should be bespoken and the papers left; and that in case of non-compliance with the general order by the party having the conduct of it, the Registrar should be authorized to decline drawing up the order without the express sanction of the Court.

Time to be limited for bespeaking order.

We are further of opinion that in all cases the draft order should be made complete before the order is given out to be transcribed, and that care should be taken to avoid as much as possible any alteration in the transcript. We think that the passing of the order should be almost a formal act.

Transcript.

We do not consider that the responsibility of the order corresponding with the draft should rest with the solicitors. When the draft is settled, and left with the Registrar for transcript we think that the office should be responsible for its accuracy. Indeed, we think that if greater care were bestowed on a settlement of the draft there would be few cases in which it would be necessary to attend the Registrar again on passing the order.

Examination of order with draft

We are further of opinion that each of the Registrars should have an assistant clerk, appointed by him and removable at his pleasure, who should

Assistant clerks to Registrars recommended.

not be in the rotation, but whose duty it should be to receive, take care of, and deliver out papers, fix appointments, answer ordinary applications, set down causes, and transact such other business as he might be directed to do. The clerks in the rotation would thus be relieved from much troublesome occupation, which interferes with the discharge of their proper duties, and would be thereby enabled to devote their undivided time and attention to drawing up the orders of the Court.

Registrars' control
over clerks.

We also think that the clerk in the rotation attached to each Registrar should be specially under his control. It has been suggested that it would be expedient to make the clerk's right of succession contingent on a certificate of good conduct to be given by the Registrar to whom he may be attached; and we are disposed to think that an adoption of this rule would be attended with advantage, subject to a power to the Lord Chancellor to dispense with the certificate for any special reason applicable to the particular case. Such a certificate could not, however, with propriety be required in the case of existing clerks, whose right of succession is regulated by Act of Parliament.

Appointments to
settle minutes and
pass orders.

We are further of opinion that the present practice of allowing parties to make their own appointments to settle minutes should be altered, and that when the draft order is delivered out, the party having the carriage of the order should fix with the Registrar's assistant clerk a time for settling the draft with the Registrar; that notice of this appointment should be forthwith given to the opposite solicitors, and that the appointment should be considered as peremptory, the Registrar having power to adjourn the appointment to a fixed time, as is now the practice in the Judges' chambers. When the draft order is settled a time should, in like manner be fixed, for passing the order, and for attending the Registrar thereon, in cases where, in the judgment of the Registrar, it would be necessary or advisable that the parties should attend him for that purpose. If parties neglected to attend, the Registrar should have the power of settling and passing the order in their absence, and proceeding in all respects as if the order had been made in their absence, though they may in fact have appeared in Court by counsel on the argument of the case. The Registrar should also be authorized, if he should see fit, to dispense with the production of the counsel's briefs when the parties neglect to produce them, and to act upon such evidence as he may think fit of the actual appearance by counsel for the party in cases where it may be unadvisable to proceed as if the party neglecting to attend were absent.

Solicitors' fees.

We further recommend that the solicitors' fees on settling the minutes and on passing the order should be consolidated into one fee. We also think that the Registrar, when he has passed an order, should hand it over to be entered to the entering clerk, so that it may be delivered out by such entering clerk to the party having the carriage of the order.

Constitution of
Registrar's office.

Objections have been raised to the constitution of the Registrars' office, and to the mode of succession by seniority established by the Acts of Parliament regulating the establishment. In particular, doubts have been expressed whether it is expedient to have a distinct body of trained Registrars, and whether it would not be an improvement, on the occurrence of vacancies to select the Registrars from among members of the legal profession, either barristers or solicitors, leaving them to appoint their own clerks. We think that it is advisable to keep up the Registrars' office as a separate establishment, the clerks rising by seniority and ultimately becoming Registrars, but we do not enter further upon the consideration of this general question, remarking only upon this point that a complete change in the system could not be effected for many years to come, on account of the vested rights of the existing clerks.

Alterations sug-
gested.

We think, however, that it would be expedient to make some alterations in the constitution of the office applicable only to future appointments.

Considering the time which must elapse before a clerk entering the office becomes a Registrar, we think it desirable that a person should not be eligible after a certain age. The average period of service as a clerk being twenty

years, we think it would be right to fix the age of entry at not later than twenty-five or twenty-six years. It has been suggested that each clerk should serve a year of probation, and that he should not be fully appointed without a certificate of approval by the senior Registrar of his conduct during the year. We approve of this suggestion.

We are further of opinion that the junior clerks in the rotation not attached in particular to any Registrar should, subject to the supervision of the senior Registrar, be specially under the superintendence of the two principal clerks to the Registrars who have not declined the office of Registrar, and that opportunities should be afforded to these two principal clerks of attending the Court to qualify themselves for the office of Registrar to which they are next in succession.

We think, however, that the improvements in the constitution and practice of the Registrar's office which we have recommended, would be incomplete so long as the present want of proper accommodation exists. We consider that each Registrar should have a separate room, that the principal clerk attached to each Registrar should also have a separate room contiguous to the room occupied by the Registrar, and that proper and convenient accommodation should be provided for the other clerks and for the public.

Want of accommodation.

We see no reason to recommend any change in the hours of attendance at the Registrars' office.

Hours of Attendance.

We are of opinion, that the orders of the Court may in many cases be usefully shortened, and that in many cases, the ordinary directions contained in decrees might be provided for by general orders. The general orders made by Lord Cranworth on the 7th November 1853 apply this principle to orders in lunacy, and have not produced any inconvenience that we are aware of.

Shortening orders.

We consider that much trouble and inconvenience might be avoided, if persons presenting petitions to the Court were required to state at the foot of the petition the persons, if any, upon whom the petition was intended to be served.

Petitions to state on whom it is proposed to serve them.

We find that the Registrars are desirous of being relieved from the responsibility imposed on them of seeing that funds disposed of under orders of the Court are properly discharged from legacy and succession duties; and they suggest that the Court should be satisfied of the discharge before the order is made. We are, however, of opinion that the practice cannot safely or properly be altered in this respect. The duties are seldom paid or provided for until after the party liable has been declared entitled to the fund, and has obtained an order for payment. In many cases it is not known until after the decision of the Court what legacy or succession duty is payable, or by whom it is to be paid. If, therefore, the Judge were in every case to be satisfied of this fact, a further hearing for this purpose would in many cases take place, thus causing increased expense and delay. We consider that the Registrar is the proper officer to discharge such duties when imposed by the Legislature on the Court.

Legacy and succession duties.

In addition to the various matters to which we have adverted, we have considered whether any improvements could be made in the process of the Court for enforcing its orders.

Process of the Court.

This process was greatly simplified by the 11th and 12th of Lord Cottenham's orders of 26th August 1841, so far as regards orders made in suits; and the only alteration which occurs to us as desirable is the dispensing with a demand in person or by attorney when a party is ordered to pay money or deliver over any property to another. We think that a person ordered by the Court to pay any money or deliver over any property to another, should, upon being served with the order, be held bound to obey it without further or other demand. According to the present practice, when a party is ordered to pay money to another, the party to whom the money is to be paid must demand payment either in person or by an agent duly authorized by power of attorney, otherwise the order cannot be enforced. We think this a needless trouble and expense. If the

Orders of 26th August 1841.

Proposed to dispense with demand in person or by attorney.

party be really desirous to pay there will be no difficulty in most cases in his finding the person to whom the payment is to be made, and should he meet with any such difficulty, an application to the Court would at once relieve him from it.

Proposed extension of the orders to "matters."

It has been held that the 11th and 12th orders of 26th August 1841 apply only to suits depending in the Court, and not to matters in which it exercises summary jurisdiction. The consequence is that the practice prevailing before the orders is still in force with respect to all such matters. These are very numerous, and some of them are of such a nature as to render the application of the old practice to them especially harassing and vexatious. The payment of money due from a solicitor to a client or from the client to a solicitor, upon the taxation of the solicitor's bill under the ordinary jurisdiction of the Court, cannot be enforced without several successive orders and several successive services and demands. We think that the distinction between the mode of enforcing orders according as they are made in suits or matters should be abolished, and that the simpler practice adopted with respect to orders made in suits should be made applicable to orders made in matters.

We humbly submit this, our Third Report, to Your Majesty's Royal consideration.

JOHN ROMILLY.	(L.S.)
G. J. TURNER.	(L.S.)
RICH ^d . T. KINDERSLEY.	(L.S.)
WILLIAM PAGE WOOD.	(L.S.)
J. DODSON.	(L.S.)
STEPHEN LUSHINGTON.	(L.S.)
CHARLES CROMPTON.	(L.S.)
J. R. G. GRAHAM.	(L.S.)
J. W. HENLEY.	(L.S.)
RICHARD BETHELL.	(L.S.)
JOHN ROLT.	(L.S.)
W. M. JAMES.	(L.S.)

Dated the 14th day of April 1856.

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Name of Witness.	Description.	Date of Examination.	Page.
1854.			
K. S. Parker, Esquire, Q. C.	Examiner in Chancery - - -	February 28 -	25
C. Otter, Esquire - - -	Examiner in Chancery - - -	" 28 -	25
J. Brown, Esquire - - -	Barrister - - - - -	March 7 -	32
Samuel Bush Toller, Esquire - - -	Barrister - - - - -	" 7 -	38
George Jessel, Esquire - - -	Barrister - - - - -	" 7 -	42
Henry Lake, Esquire - - -	Solicitor - - - - -	" 14 -	45
Edwin W. Field, Esquire - - -	Solicitor - - - - -	" 14 -	51
William Williams, Esquire - - -	Solicitor - - - - -	" 14 -	57
H. Hawkins, Esquire - - -	Barrister - - - - -	" 23 -	60
William Strickland Cookson, Esq.	Solicitor - - - - -	" 23 -	66
1855.			
Edward Weatherall, Esquire - - -	Solicitor - - - - -	March 20 -	72
Mr. Thomas Clark - - -	Managing Clerk to a Solicitor	" 20 -	81
William Janeway, Esquire - - -	Solicitor - - - - -	" 27 -	85
Robert Bayly Follett, Esquire - - -	Taxing Master in Chancery - - -	July 10 -	90
Mr. Pearce William Rogers - - -	Clerk to Registrars - - -	" 10 -	96
H. E. Bicknell, Esquire - - -	Registrar - - - - -	" 13 -	102
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W. D. Lewis, Esquire - - -	Barrister - - - - -	April 24 -	129
Charles Otter, Esquire - - -	Examiner in Chancery - - -	" 27 -	130
T. P. L. Hallett, Esquire - - -	Barrister - - - - -	" 27 -	131
S. F. Piggott, Esquire - - -	Barrister - - - - -	" 28 -	132
Henry W. Cole, Esquire - - -	Barrister - - - - -	" 28 -	133
Kenyon S. Parker, Esquire - - -	Examiner in Chancery - - -	" 29 -	134
W. Elmsley, Esquire - - -	Queen's Counsel - - -	May 1 -	135
Sir Walter B. Biddell, Bart.	Barrister - - - - -	" 3 -	136
John Layton Esquire - - -	Solicitor - - - - -	" 4 -	140
W. Peake, Esquire - - -	One of the Chief Clerks to the Vice Chancellor Stuart	" 4 -	141
W. Rogers, Esquire - - -	Barrister - - - - -	" 4 -	143
H. T. Erskine, Esquire - - -	Barrister - - - - -	" 5 -	146
Thomas M. Cattlin, Esquire - - -	Solicitor - - - - -	" 6 -	147
John Evans, Esquire - - -	Solicitor - - - - -	" 8 -	147
C. Stewart Drewry, Esquire - - -	Barrister - - - - -	" 8 -	148
G. B. Gregory, Esquire - - -	Solicitor - - - - -	" 9 -	149
Messrs. Stretton and Postans	Solicitors - - - - -	" 10 -	150
Charles Hall, Esquire - - -	Barrister - - - - -	" 10 -	151
W. Hislop Clarke, Esquire - - -	Barrister - - - - -	" 10 -	152
Algernon Cox, Esquire - - -	Barrister - - - - -	" 10 -	153
A. R. Steele, Esquire - - -	Solicitor - - - - -	" 13 -	154
Thomas C. Renshaw, Esquire - - -	Barrister - - - - -	" 13 -	155
C. M. Elderton, Esquire - - -	Barrister - - - - -	" 15 -	155

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Nicholas Gedye, Esquire -	Solicitor - - -	" 18 - -	157
George Crafter, Esquire -	Solicitor - - -	" 20 - -	160
W. H. A. Torriano, Esquire -	Barrister - - -	" 22 - -	160
Alfred Hall, Esquire -	One of the Chief Clerks to the } Vice Chancellor Stuart - }	" 24 - -	161
E. J. Bevir, Esquire -	Barrister - - -	" 24 - -	162
J. W. Willcock, Esquire -	Queen's Counsel - - -	" 27 - -	164
John Smale, Esquire -	Barrister - - -	" 27 - -	165
Edward Weatherall, Esquire -	Solicitor - - -	" 27 - -	168
Richard Bloxam, Esquire -	One of the Chief Clerks to the } Vice Chancellor Wood - }	" 29 - -	171
James Campbell, Esquire -	Queen's Counsel - - -	" 29 - -	173
J. V. Prior, Esquire -	Barrister (deceased) - -	" 30 - -	174
Henry Leman, Esquire -	One of the Chief Clerks to the } Vice Chancellor Wood - }	" 31 - -	176
Richard Baggally, Esquire -	Barrister - - -	" 31 - -	177
George Hume, Esquire -	One of the Chief Clerks to the } Master of the Rolls - }	" 31 - -	178
Messrs. James and Curtis -	Solicitors - - -	June 1 - -	180
T. Kennedy, Esquire -	Solicitor - - -	" 6 - -	180
Messrs. Oliverson, Lavie and } Peachy - }	Solicitors - - -	" 6 - -	182
F. Maples, Esquire -	Solicitor - - -	" 6 - -	185
Richard B. Armstrong, Esquire -	Solicitor - - -	" 6 - -	186
Michael Smith, Esquire -	Solicitor - - -	" 6 - -	187
Messrs. Church and Son -	Solicitors - - -	" 9 - -	187
John Turner, Esquire -	Solicitor - - -	" 15 - -	189
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F. Walford, Esquire -	Barrister - - -	" 21 - -	192

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MEMORANDUM as to the EXPEDIENCY of extending the JURISDICTION of the COURT of BANKRUPTCY to the ADMINISTRATION of DECEASED TRADERS' ESTATES.

THE Chancery Commissioners have, at the Lord Chancellor's request, considered those portions of the Report recently made by the Bankruptcy Commission which relate to the administration of deceased traders' estates, and to the rendering Commissioners and Officers of the Court of Bankruptcy auxiliary to the Court of Chancery. They have also perused the Bill of Lord St. Leonards, referred to by the Report.

The objections which present themselves to the suggested extension of the jurisdiction of the Court of Bankruptcy to the administration of deceased traders' estates appear to the Chancery Commissioners greatly to outweigh any advantage likely to result from such an extension.

It is not proposed that any alteration should be made in the law by which the estates of deceased traders are administered, except in the case of a trader who has committed an act of bankruptcy within three months before his death, and of a petition being presented to the Court of Bankruptcy for administration within three months after the trader's death. In all other cases the estate, though administered by the Court of Bankruptcy, is to be administered upon the same principles and subject to the same rules which now prevail in the Court of Chancery; it is obvious, therefore, that to give the Court of Bankruptcy the proposed jurisdiction would in effect be to create a new Court of Chancery for the special purpose of administering the estates of deceased traders, but with a different mode of procedure, and with a preliminary question to try, namely, the trading of the deceased, before it could be ascertained that the Court had jurisdiction. This of itself appears an objection entitled to considerable weight. Questions of the greatest nicety constantly arise in the administration of assets, with which the Court of Bankruptcy, as now constituted, is scarcely competent to deal.

In every case where a trader left real estate, it would have to be considered whether the real estate should be administered as legal or equitable assets, how the assets should be marshalled as between different classes of creditors; how creditors having securities should be dealt with, and the like; questions totally foreign to the law as administered in bankruptcy, and which can be effectually disposed of only by a Court of General Jurisdiction. It may be observed, that the bill to which reference has been made does not appear to contemplate the heir-at-law or devisee of a deceased trader being a party to the proceedings in bankruptcy for the administration of the estate, so that the real estate would be divested from such heir or devisee without any notice to him, or any opportunity of contesting the proceedings.

Further, it may often happen, especially as the onus is to be thrown upon the parties interested in the estate of showing the solvency of the deceased, that an estate when administered may leave a surplus, in order to administer which it would in most cases be necessary to institute a suit in the Court of Chancery.

Moreover, it seems to be contemplated that in some cases no representation should be taken out to the deceased, and that an adjudication for distribution may be obtained on serving the next of kin. The Court of Bankruptcy must, therefore, in such cases, try a preliminary question of who are the next of kin, the only parties before it being an alleged creditor seeking to administer the estate and a person alleged to be next of kin, but possibly having no title to fill that character and no interest in establishing the fact one way or the other.

The Chancery Commissioners have not been able to satisfy themselves that any advantage would result to the public from the proposed extension, either on the ground of expense or convenience.

The mode of proceeding in Chancery to administer the estate of a deceased person at the instance of creditors is generally of the simplest character, a mere summons returnable at chambers without any pleadings; and the subsequent proceedings are in like manner as simple as possible. If necessary, but not otherwise, a receiver can be appointed for the protection of the estate, while the estate is not burthened with the expense of an official assignee; and as it by no

means follows that where a person is himself insolvent or embarrassed his representatives are unfit to be trusted with the management of his estate, the same necessity does not exist, as in bankruptcy, for placing the property under the control of an official assignee.

It may further be remembered that the provisions of the Bankrupt Law are necessarily of a stringent character, and are frequently at variance with the law as administered in the ordinary courts ; for example, the power of summoning strangers to the proceedings to account for and give information concerning property supposed to belong to the estate, power to compel persons to produce documents, and other powers of a like nature, which, though doubtless necessary and proper, are of an exceptional character, and ought not to be extended without an evident necessity.

The extension of the Bankruptcy Jurisdiction to the case of a trader having committed an act of bankruptcy within three months before his death, and a petition for adjudication being presented within three months after his death, is open to many of the objections which are above pointed out, and to the additional objection that the proposed scheme would create a new mode of distribution of assets to be administered by one court alone, and it is proposed to do this without having the parties interested to contest the trading or act of bankruptcy brought before the court. While a trader lives, he is the only person representing his estate, and an adjudication in his lifetime may reasonably alter the mode of distribution, though possibly not taking place until after his death ; but upon his death, the law gives his creditors of different classes rights over his estate, of which they ought not to be deprived without at least having an opportunity of contesting the matters which are alleged to destroy their rights. Such a power of contesting the trading and act of bankruptcy must be given either by means of some proceeding in the court itself, or by allowing the title of the assignee to be litigated in the ordinary tribunals. The former course would be contrary to the general system of the Bankrupt Laws, the decisions of the Bankruptcy Court not binding strangers to the proceedings, while the latter would give rise to much litigation and uncertainty.

If it should be thought advisable that the assets of deceased traders having committed an act of bankruptcy, should be distributed upon the same principle as in bankruptcy, it may be considered that an enactment to that effect would be the simplest mode of effecting such an object, leaving the question to be raised and determined, not as a preliminary question of jurisdiction, but as any other question arising in the administration of assets and by the ordinary tribunals.

With respect to the suggestion of rendering the Commissioners and Officers of the Court of Bankruptcy auxiliary to the Court of Chancery, the Chancery Commissioners beg to observe that the clauses to effect this object are substantially the same as clauses settled by them in the month of May 1851, with a view to their being introduced into the County Courts Extension Bill, then before the House of Commons, and at a time when the Commissioners had not proceeded far in the prosecution of the inquiries which led them ultimately to recommend the abolition of the office of Master in Chancery.

The Commissioners consider that the reasons which induced them at a former period to approve of these provisions do not now exist, and that it would not be now expedient to make the Commissioners or Officers of the Court of Bankruptcy auxiliary to the Court of Chancery, the abolition of the office of Master, and of many formal proceedings, which, so long as they continued, could conveniently have been performed by the Commissioners or Officers of the Court of Bankruptcy, rendering such aid no longer necessary.

The Chancery Commissioners express their views on these subjects with the less hesitation as it does not appear from the recent Report of the Bankruptcy Commissioners that they have formed any decided opinion upon them ; and they cannot conceal from themselves that the suggestion has proceeded rather from a wish to find for the unoccupied time of the Court of Bankruptcy some additional work, which might, without any great public mischief, be confided to it, than from any conviction that there is any peculiar fitness in that Court for the transaction of such business.

MEMORANDUM as to the MODE of TAKING EVIDENCE in CHANCERY.

THE Chancery Commissioners have, at the Lord Chancellor's request, endeavoured to ascertain the practical working of the present system of taking evidence in the Court, and have carefully considered the objections which have been made to this system.

They first requested the attendance of the Examiners in Chancery, and of several counsel and solicitors who have had experience in the examination of witnesses before the examiners. Of these counsel, some were practising at the common law bar, others in Chancery. Having from the examination of these witnesses and other sources of information ascertained the principal objections which were considered to exist to the present system, the Commissioners framed questions founded on these objections, with a view to their being circulated among the profession, and of procuring suggestions which might be rendered available towards providing a remedy.

These questions have been extensively circulated, and have produced answers and suggestions from counsel, solicitors, and officers of the Court.

A print of the evidence taken by the Commissioners, consisting of the questions circulated and the answers to these questions, accompanies this memorandum.

As might have been expected from the nature of the subject, the Commissioners find that much difference of opinion prevails.

The general impression, however, appears to be that the unquestionable advantages derived from an oral examination of the witnesses before the Examiner are obtained, under the present system, at too great a cost of time and money; and in this view of the case the Commissioners are disposed to concur. One obvious remedy for some of the evils of the present system would be an increase in the number of Examiners, but though the Commissioners feel no doubt that if the present system is permanently continued the number of Examiners must be increased, they do not recommend any such increase at the present moment. The Commissioners are inclined to think that the present system may be so modified as to retain its principal advantages, while the delay and expense which now unfortunately exist would be greatly diminished.

The Commissioners are satisfied that the cases are comparatively rare in which it is necessary for the Court to weigh conflicting oral testimony, or in which, for that purpose, it would be of advantage that the Judge should see the demeanour of the witness under examination. The great extent to which resort is now had to motions for decrees on affidavit evidence, and to the use of affidavits by consent, shows that this is becoming a very general feeling amongst the practitioners in the Court. The Commissioners feel it to be of paramount importance, in any alteration of the practice of the Court, to avoid burthening the great mass of the cases before the Court with the expense of oral testimony taken in the most satisfactory manner—because there are occasionally causes in which it is desirable that recourse should be had to such testimony so taken; and they are satisfied that this would be the result of the adoption of any one of the following suggestions made to them, viz.—either that the evidence should be taken in open Court, or that the Judge should hold special sittings for the examination of witnesses, or that there should be special Judges or Masters to take the evidence and report the findings of facts, or that the evidence should be taken by shorthand writers to be afterwards read to the Court.

The Commissioners are on the contrary of opinion, that it would be safe to dispense still further with oral evidence than has hitherto been done, by allowing the parties in all cases to adduce their evidence in chief by affidavit, subject always to oral cross-examination by the adverse party before the Examiner, the parties being still at liberty to examine orally before the Examiner reluctant or hostile witnesses, under such provisions as to costs as may be thought fit for preventing the liberty being abused for the mere purpose of adding to expense.

The Commissioners also think that it would be expedient to allow parties, if they should prefer it, to exhibit interrogatories for the examination or cross-examination of any witnesses, instead of putting the questions to them orally; the object being to dispense with the personal attendance of the witnesses before the examiner, if the parties should think it might safely be done.

The Commissioners are further of opinion that regulations should be made for ensuring greater care and caution in the preparation of affidavits; and in particular, that every affidavit should specify in distinct terms what facts are within the deponents own knowledge and his means of knowledge, and what parts of it are derived from sources other than his own knowledge, and that the costs of affidavits not in conformity with this rule, or otherwise in violation of the established rules of evidence, should not be allowed on taxation, unless the Court should otherwise direct.

It appears to the Commissioners, that these modifications of the existing system may safely and prudently be tried. The power of oral cross-examination of every witness before the Examiner would still remain, and if the case should require it the power which the Court has of having the witnesses examined before itself in open court, would doubtless be exercised; so that there would be ample means for eliciting truth and detecting falsehood.

If these propositions be adopted, the evidence to be used at the hearing of the cause would in all cases be taken in the mode in which it is now taken, where neither party requires it to be taken orally, but with this difference, that either party would have the power to examine orally reluctant or hostile witnesses, and to examine or cross-examine upon interrogatories instead of putting the questions orally, if he should prefer that course of proceeding.

The Commissioners have no doubt that this change would greatly relieve the Examiners, and they think it probable that it would render unnecessary an increase in the number of Examiners.

The Commissioners are also of opinion, that the cross-examination and re-examination of the witness or witnesses in a cause brought up for examination ought to be continuous, and that if for want of proper notice or otherwise, such continuous examination should interfere with other appointments made for other causes, the Examiners should mutually assist each other, so as to dispose with as little delay as possible of such matters, and a note should be kept of every such case, and of the arrangements made to obviate the inconvenience, which should be transmitted to the Lord Chancellor.

Expense would also, in some cases, be saved by allowing a defendant to give notice of his intention to read his answer as evidence for himself, instead of filing an affidavit to the same effect; but, in case of such notice being given, the defendant should be liable to cross-examination orally, as if he had filed an affidavit.

No alteration is proposed with reference to evidence on motions for decree, in which the plaintiff adduces his evidence, and furnishes it to the defendant, before the latter is called upon to bring forward any evidence to rebut the plaintiff's case.

The Commissioners beg to add that the proposals now made must be considered as tentative merely; it being their opinion that by experiment alone can the most eligible system be determined.

They also wish to state, that if it is desired by the Lord Chancellor, they will embody their views on these subjects in a formal Report to Her Majesty.

Lincoln's Inn, August 1854.

APPENDIX B.

MINUTES OF EVIDENCE

TAKEN BEFORE

The COMMISSIONERS appointed to inquire into the PROCESS, PRACTICE, and SYSTEM of PLEADING in the COURT OF CHANCERY, and for inquiring into the LAW and JURISDICTION of the ECCLESIASTICAL and other COURTS, in relation to MATTERS TESTAMENTARY.

Tuesday, 28th February 1854.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

KENYON STEVENS PARKER, Esq., Q.C., and CHARLES OTTER, Esq., examined.

*K. S. Parker, Esq.,
Q.C.
C. Otter, Esq.*

28th Feb. 1854.

1. (*To Mr. Parker.*) Can you give the Commission any information as to the number of cases which are heard in the courts in which evidence is taken before the examiners?—Not exactly. The reason appears to be this,—a great many of the cases, at least some of the cases, heard before us are settled from the result of the examination which takes place before us, and are not brought into court.

2. How many of the cases are thus settled?—I should think upon the average six or eight in the course of two or three months.

3. In the course of two or three months, there are six or eight cases which do not go beyond the examination before you?—So far as I have been able to ascertain, parties have agreed to a decree perhaps after a portion of the evidence has been gone into.

4. Can you state in how many cases you have heard evidence; for instance, beginning from Michaelmas last?—I desired the clerk to let me have an account of that, which he has not yet done. A great number of those cases in which some evidence has already been taken to a certain extent are now in progress, and the rest of the evidence is being taken. I think there must be thirty or forty cases in my chambers, in which the evidence is partially taken but not completed.

5. Shall you be able to give us an account of the number of cases in which you have taken evidence?—Yes.

6. That is, in how many cases have you examined witnesses since Christmas 1852?—Yes.

7. Can you state also about the average length of time that such cases take?—No; it depends very much upon the nature of the case.

8. We shall get that from the number of cases, if we get also the number of hours which have been occupied?—Yes, but it is very difficult to say in particular cases. The examination and the cross-examination frequently take much more time than was ever anticipated from the nature of the case.

9. Are you always attended by counsel?—I think there have been only two cases in which I have not been attended by counsel. That is under the new system. In those two cases there was nothing more necessary than to prove a will by witnesses who were solicitors, and brought up for the purpose.

10. Have you more than one counsel on a side?—Sometimes an equity counsel and a common law counsel are on the same side. In many instances it is necessary to have counsel for other parties who are defendants, because at law, as you are aware, the issue is generally between A and B; but in equity there are many issues in which defendants are concerned, who have interests contrary to each other, as well as a common interest against the plaintiff, and are represented by different counsel. In the case of the ——— bank there were four sets of defendants and a plaintiff, and they were each attended by two counsel. That was a very heavy case of a bill by the shareholders against the managers and directors of the ——— bank, to make them responsible for misfeasances during the time they were managers and directors. Each of the defendants had been appointed at different times, consequently the liability of each was different, so far as the period would extend. In those cases I had, I think, ten counsel before me at one time.

11. In that case, can you state how many meetings you had?—We had only had three meetings in the case, when it was compromised. One witness, who was the managing director, was under examination all the time. His examination, in

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chief, continued two days. The cross examination had not concluded when the case was compromised, and there would have been two other meetings for the purpose. The parties attended from ———; but, in accordance with a regulation which I had found it necessary to make, I would not give them any more time than two days consecutively, because there were so many applications for appointments.

12. It has been stated that there has been one case, at least, and perhaps more, in which the examination has been going on for several months, by reason of the intervals which have elapsed between the days on which the parties have taken out appointments?—That is quite unavoidable.

13. Can you tell how many cases of that description there have been?—I think I could do so, but my attention has not been called to it, and therefore I am unable to do so at the moment.

14. For how many days do you give appointments?—Two days consecutively only, except in one or two cases where they have been heavy cases, where I was assured, and from my own knowledge of the case I concluded, that the evidence would be finished by giving another day. The parties lived at a distance, and had to come up to London.

15. Do you ever find that, when a day has been given to parties for examining witnesses, or more days than one, the parties do not attend?—Frequently.

16. Can you mention about how many days that has occurred?—No, it is impossible to say that. The misfortune is, that it occurs at a period when you cannot make use of the time for other cases, and therefore that time is entirely lost. It requires a service of forty-eight hours on witnesses, for the purpose of bringing them before the examiner, and, of course, there is not time, under such circumstances, to give the requisite notices that other parties may avail themselves of it.

17. Have you considered whether any plan might be adopted to compel parties to keep their appointments?—I have turned the subject over in my mind, and have not succeeded in finding out any satisfactory mode for the purpose. The only thing that occurred to me was, either to fix a fee upon taking out a warrant, as was the case before the masters in former times.

18. On the parties getting an appointment?—Yes, fixing some fee upon it, or fixing some fee upon the time occupied, which, perhaps, might be still better: so much an hour, for instance, as was the case under the old system, or else enabling the examiner to fix a sum as costs for an appointment so broken, not exceeding a specific amount.

19. Do the parties ever take down evidence by a shorthand writer?—In several important cases they have done so. In that case of the ——— bank, and in other cases before me, it has been so taken down.

20. In cases where they agree to take it down by a shorthand writer, you allow it?—Yes. I do not interfere.

21. In that case, all you do is to sign it; is that so?—No; I have never had that proposed to me. I have always taken my own note. I do not adopt theirs. I am directed to reduce it into the form of a narrative, and, reducing it into the form of a narrative, I do not adopt that which has been taken down in shorthand. In fact, I think that would involve great expense to the parties.

22. Where the parties agree upon having a shorthand writer, there is, in fact, your narrative under the Act of Parliament as well as the shorthand writer's notes?—Yes; but the shorthand writer's notes are for the parties themselves. I do not interfere with them, or verify them in any way whatever.

23. It is no official authority from you to go to the court?—No. I sometimes find it useful to be able to refer to the particular language of a question which may have been asked, the particular form of which may have escaped me when I have been taking down a previous answer.

24. You can stop the parties, I presume, and direct the examination to proceed a little slower?—Always.

25. What time do you sit?—The office is open from ten till four. I sit always from eleven till four, and, generally speaking, later than that; in fact, always later than that if it is possible to finish the examination of any one witness, or the whole of the evidence to be taken in a cause. Yesterday I sat till a quarter past five. To-morrow I sit at ten.

26. Do you ever give the appointments for ten o'clock?—Even earlier than that when the case presses.

27. If the parties wish it?—If the parties wish it.

28. Has it ever occurred to you whether the plan could be adopted of not giving the hour for an appointment, but appointing a certain number of cases to be examined upon one day; and when the first case is disposed of, then having the witnesses in the second?—It has occurred to me to consider that suggestion, but I do not see how it is possible to carry it out, because the cases are not London cases only, or confined within a particular district, but they are cases from all parts of the country, which are brought into the examiner's office; and it is impossible to say the length of examination which may take place in a preceding case, or when the parties ought to be called up from a remote part of the country, for the next case.

29. In the case you mention, where the examination of witnesses has been going on for a considerable length of time, are all the witnesses brought up upon each occasion?—Not always. Generally speaking, the parties know themselves, now that the time which they can take does not exceed two days, and they only bring up a sufficient number of witnesses to occupy that time.

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30. Do you ever find that the evidence is varied at all by the result of a previous examination—that witnesses are brought to try to mend some defect which has occurred in the evidence, or meet something which has come out unexpectedly?—No, seldom or ever. From my experience, I have never found that to be the case.

31. You have not found the evidence to be directed in a different tone, and in a different spirit, a month afterwards, in consequence of what came out upon the first examination?—I think it has never occurred to me at all. I have watched it very carefully on several occasions with that view. There is one thing which I think will be found very beneficial. Under the present system, the examiner has the power of calling the attention of the court to the demeanour and conduct of a witness under examination. I have taken advantage of that upon several occasions, and have called the attention of the court to it.

32. What has led to so many cases standing over in which the evidence is only partially taken?—The length of time taken up by the examination.

33. If I had a case of great urgency, how soon could you give me an appointment?—My appointments at the present moment extend to the 6th of May.

34. You have not a vacant hour before then?—No, except occasionally from 10 to 11.

35. (*To Mr. Otter.*) Is it the same with you?—I am full up to the 3rd or 4th of May. I quite agree with Mr. Parker in what he has stated. The custom in the office has been to sit at eleven,—that practice seems to have come down to us from the previous system of the examiners. I was told when I went into the office that it was convenient both to the counsel and the attorneys, not to attend us before eleven o'clock; but I have for a considerable time invariably offered to the parties an opportunity of coming at ten, if they chose; but they do not avail themselves of it, and I have, therefore, the hour, from ten to eleven, every morning available for such an emergency as has been mentioned.

36. Do you find persons avail themselves of that permission?—Yes; short witnesses for instance.

37. Do you think it would be an advisable thing to keep an hour open in that way?—Yes; sometimes it has worked very advantageously.

(*Mr. Parker.*) I think it is very desirable to keep an hour open in that way. Frequently you have to look at the evidence after it has been read over—to sign the different depositions which have been taken, and see that they are properly made up to be sent to the Record Office.

38. From your experience do you conceive there is sufficient force in the office, with yourself and Mr. Otter, to get through the whole business of the court?—I should say certainly not. I hear that there are a great many special examiners nominated by the court, for the purpose of taking evidence in different parts of the country. Under the old system the examiners in the office in London had about one hundred and forty cases in the course of the year, in which one examiner took the evidence for the plaintiff, and the other examiner the evidence for the defendant. Now each examiner takes the evidence both for the plaintiff and the defendant in each cause.

39. How many causes do you get through now per annum?—Between 70 and 80.

40. Do you mean in your office alone, or you and Mr. Otter together?—In my office alone. I am speaking quite out of book in saying that, but I can ascertain it.

41. Do you find it difficult to prevent the evidence going beyond the issue in a cause?—Very often. One portion of the Act restrains us from giving any opinion upon materiality or relevancy. Upon the admissibility of evidence we are, of course, entitled to exercise an opinion; and I have always found that the counsel willingly bow to any suggestion on my part, whenever it has been made; but immediately it touches upon the question of materiality and relevancy, they say, "You are no judge of that, and you cannot exercise an opinion upon it." Frequently a good deal of time is occupied by arguing that question between the counsel, when, in fact, generally speaking, admissibility would be the more proper term.

42. Do the counsel attend to your suggestion?—Generally; I have no reason to complain in that respect.

43. It is of importance I suppose to have a gentleman there of such station and attainments as that they are likely to pay respect to his opinions?—Of the greatest importance.

44. You have had no difficulty in keeping order?—None generally. The greatest difficulty I have experienced is that which I mentioned just now, with respect to materiality, on which they say at once: "You are no judge of the evidence, you have no right to exercise a judgment upon it; all you have to do is to take down the evidence for the court."

45. If evidence is wholly immaterial, it is inadmissible, is not it?—I consider that it is. "Then that resolves itself again into an argument of inadmissibility against immateriality."

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46. (*To Mr. Otter.*) Do you concur in that opinion?—No, I do not concur in that opinion, that if a question is immaterial it is therefore inadmissible. I think we have only to decide as to the admissibility or inadmissibility of a question in a legal point of view. If a legal question is put, I do not judge of the materiality or relevancy of it—I take the evidence.

47. What do you call a legal question? Supposing the counsel were to ask a question as immaterial as this,—how tall the defendant was?—If a man attempts to prove an immaterial fact by hearsay, I should say that is inadmissible on the legal ground that it is inadmissible as evidence; but if a man attempts to prove an immaterial fact as a matter which he has seen with his own eyes, I should still take the evidence.

48. (*To Mr. Parker.*) Can you tell us in how many cases, on the average, you are attended by two counsel for one party?—I cannot. I have several cases of the kind before me now, because the heavy cases hang over of course from time to time; there was one case yesterday in which there was a common law counsel and an equity counsel on one side.

49. Do you think the court could hear all the evidence which you take at the hearing of the cause?—No doubt it could, but the time which must be occupied would involve the necessity of a much greater judicial force than it appears possible to apply at present.

50. It would take as much time before the court as it does before you?—Not quite, because the court would have judicial powers which we have not.

51. Do the counsel before you generally examine in the same manner in which the examination is carried on at *Nisi Prius*?—Generally speaking they do.

52. There is not much difference in the examination or cross-examination?—No.

53. Can you give us any idea of the expense incurred in those heavy causes, in the examination of witnesses?—Not at all. Of course that must depend in a great measure upon the number of counsel employed. In the case I have mentioned—the ——— case—there were ten counsel, one of them a Queen's counsel. I heard one of the solicitors in the cause mention that the expenses on both sides were 100 guineas a day, that he could not reckon them at less.

54. Have you any means by which you can at all institute a comparison between the expense incurred under the present system and the expense which was incurred in taking the evidence upon interrogatories?—I have no means of instituting such a comparison.

55. Or of the length of time occupied?—No.

56. Can you obtain any information in your office upon that subject?—I should fear not. I will endeavour to do so.

57. In some of your heaviest cases, to what extent in quantity would your evidence go?—Take for example the case I have mentioned, in which one witness was under examination six days, and his examination was not finished. I had written nearly eighty brief sheets of evidence.

58. Is the written evidence as long, under the present system, as it was under the old system, with which you are familiar?—I should think not.

59. Is it materially shorter?—I should think it is materially shorter and much more to the point than the evidence under the old system used to be.

60. Is not there a greater tendency, under the new system, to go into evidence? Under the old system there was more tendency, I should suppose, than under the present system, to leave the matter imperfect in point of evidence, knowing that the court would, if it were necessary, send an inquiry to the master; but now do you consider that, under the new system, the parties go more into evidence, for the purpose of bringing the case before the court at the hearing in a complete shape as far as possible?—I scarcely know how to answer the question. I should fancy they are desirous of bringing their cases before the court more complete now, because they have an opportunity afforded them which they had not before. Formerly the evidence was taken secretly, and there was no probability of a cross-examination being of any use.

61. There would be greater shyness of examination?—Yes.

62. That, I suppose, would make your work much greater in any given number of causes. Suppose 100 causes come to issue in the Court of Chancery; I take for granted, in those 100 causes you would have much more to do in the examination of witnesses under the new system, than in examining under the old system?—Considerably more, both for the plaintiff and the defendant.

63. Do you, in practice, allow a defendant to cross-examine another defendant's witnesses?—That never has occurred in my court.

(*Mr. Otter.*) It has occurred before me. It seems difficult not to permit it, where the interests of two defendants may be even more antagonistic than that of the plaintiff and one of them. I have taken the objection on the depositions, and submitted the case to the opinion of the court.

64. (*To Mr. Parker.*) Do you find the course of cross-examining upon affidavits very frequently adopted?—Very often.

65. Of the whole number of cases before you, do those form any considerable proportion?—The examinations have principally been in the case of evidence for the hearing of the cause.

66. Corresponding to the old depositions?—Yes, but there have been a good many cases before me of cross-examination upon affidavits. Parties come sometimes before me in order to cross-examine in consequence of affidavits having been made in support of a

motion for an injunction. They have not, however, been limited to cross-examination upon the affidavits, but have been allowed to cross-examine generally. The consequence is that they go into the whole case, there being no power of limiting them to the affidavits which had been made in the cause.

67. Do you consider that you are permitted, under the Act, to go beyond the affidavits?—Yes; there is no issue joined in the case, and no papers before me, except the affidavits, and the Act imposes no limit to cross-examination.

68. Does the Act specify that they are not to cross-examine beyond the matter in the affidavits?—No. And a difficulty arises in that respect. Where it is upon an interlocutory order there is no issue joined, and you do not know what the issue is between the parties; therefore the party taking the opportunity of cross-examining may shape his case accordingly, and elicit all he desires in support of his own case or of amending his pleadings.

(*Mr. Otter.*) If a man is once put into the witness-box he may be cross-examined upon any subject relevant to the issue.

(*Mr. Parker.*) But generally he is not put into the witness-box till there is an issue to be tried between the parties.

69. (*To Mr. Parker.*) Have you any suggestion to make which you think would improve the present system. There appear to be considerable evils both in the length of time which is occupied, and in the loss of appointments?—The loss of appointments is the principal thing we have to complain of, I think. I do not know that anything could be done to improve the practice in that respect, unless something like a fee were fixed upon taking out an appointment, or something in the shape of costs imposed upon the delinquent party. The only other suggestion which I should have to make, would be to repeal that part of the Act of Parliament which relates to materiality and relevancy. Perhaps, however, that would involve the possession of more judicial power by the examiner than it was intended he should possess.

70. What do you say to having an order of the court for witnesses to attend, and if they did not attend, that they should pay the costs?—That might be done.

71. You said that you had at present appointments taking you up to the first week in May?—Yes.

72. Do you consider that the business is likely so much to increase as that you will have, in future, appointments made for even a longer period than that? Do you consider that from the increase of business in the next twelve months or two years you may have appointments made to the extent of three or four or five months forward?—I think it very probable. The principal part of the time now occupied over so long a period arises, I think, from there being so many cases in which the evidence is partly taken. I have seldom, I think, been less than a month in point of time, or from that to six weeks in advance.

73. I suppose you have found from the commencement that the time has increased for which you have had appointments made forward?—I think so.

74. When a case is now adjourned, you have to adjourn it for two months?—Yes.

75. Would it be very burdensome on your part to make out a list of the causes before you, with the days of the first and last examination?—Not at all.

76. And the number of days on which any witness was examined in a cause?—I will endeavour to supply that information.

77. You spoke of taking eighty brief sheets in one case. Can you tell about how many folios you put into a brief sheet?—I should think on an average four Chancery folios. I write closely. I generally get about eighteen lines into a sheet.

78. Do you find that cross-examination very often is carried to an inordinate length before you, embracing immaterial issues?—Sometimes.

79. Have you ever found that it has been used for the purpose of annoyance merely?—I cannot say that I have. If I had seen it I should have ventured to interfere.

(*Mr. Otter.*) I have myself interfered to prevent that. Questions have been asked evidently for the purpose of annoyance, and I have interfered.

80. Questions relating to private life, do you mean?—Yes; as to a man living with a woman, for instance.

81. (*To Mr. Parker.*) Have you many cases before you in which you think the evidence could be conducted without oral examination, by a mere affidavit, or the production of a document?—No.

82. The cases which come before you, you think are *bonâ fide* cases, in which oral examination is important?—Yes.

83. (*To Mr. Otter.*) Do you concur in that opinion?—I do entirely. I think I may venture to say I have understood, and perhaps there may be some foundation for it in fact, that affidavits have been sworn to more carefully since the power has been given of cross-examining upon affidavits.

84. (*To Mr. Parker.*) Do you find that the plaintiff and defendant are generally examined in most of the causes which you have had?—Very often, indeed. In every case of any magnitude I think it is always so.

85. (*To Mr. Otter.*) Is that so before you?—It is. It would be quite an exception if the plaintiff and defendant were not called, I should say.

86. (*To Mr. Parker.*) Have you any reason to believe that the compromise in the case you mentioned was the result of the examination which had taken place?—No; I think

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not at all. I think it was a case in which, before they went into evidence, there had been attempts to compromise. There were a great many directors who were wealthy people, and they thought it better to pay a sum of money than to be harassed with litigation.

87. Do you think there are many cases in which a suit has been compromised or abandoned in consequence of disclosures made upon the examination of witnesses, which the parties had not anticipated?—I can scarcely answer the question; but I think in one or two cases which have occurred before me that has been the case.

88. (*To Mr. Otter.*) What has been your experience in that respect?—I think a great many cases before me have been settled in consequence of evidence which has been given on oral examination. In a case with which Vice Chancellor Wood is acquainted, one of the witnesses, on whose sole testimony the bill was filed, was subjected to a very severe cross-examination for two or three days, and at last he was so completely broken down that the case has been entirely put an end to, and the bill has been dismissed, I believe. I think there are a good many cases in which the parties for the first time have heard the evidence of the witnesses themselves, and hearing that evidence in open court, before a disinterested person, I think has led to the settlement of a good many causes.

89. Do the parties generally attend themselves?—They very often attend.

90. As the parties are to be examined, I suppose they frequently attend?—Yes; think they do constantly.

91. For the most part?—Yes.

92. Do you think there is an advantage derived from the fact that the parties hear the evidence which is given in the cause?—Yes; I think they become aware of the weakness of their own case, and the strength of their adversary's; and they are more inclined to compromise the case. In some instances I have had the cause settled before me. There was a case to compel a man to execute the assignment of a patent before me three days ago; he had entered into an agreement, and then he refused to execute the assignment. He had read over the agreement to an attorney, who gave him the most unfavourable view of the terms of the agreement. When they came before me, the inventor attended without counsel or attorney, and it was evident that he had been misled. The agreement was as favourable to him as possible; in fact, the sum of 1,500*l.* was to be paid down at once. Both parties seemed to be animated by the best feelings, and the man took up a pen and signed the indenture then and there.

93. Have you had several of those cases?—Yes; especially cases of injunction for building up walls and that sort of thing, the parties have settled the cases before me.

94. Have you had any cases in which the parties have asked you to interpose for the purpose of settling their differences?—They have tried to refer it to me.

95. What do you say on such occasions?—I say I am very much honoured by it, but I would rather that they should try and settle it before me themselves, and they very often do so.

96. Do you find that the examinations, or cross-examinations, are unnecessarily prolonged?—I cannot say that I do.

(*Mr. Parker.*) I do not think that they are.

97. You do not find fault with counsel on that ground?—No, I think not.

98. They are not prolonged day after day for the sake of keeping up the proceedings at all?—No, not at all, I think.

99. (*To Mr. Otter.*) Have you any suggestion which you can make which you think would improve the present system?—I should premise by saying that I am afraid that the system is, in many respects, faulty from the beginning. It is depriving *viva voce* examination of more than half its effect by having one party to take the evidence and another person to decide upon it. It is of immense value to see the demeanour of witnesses. It is impossible to paint upon paper the mode in which witnesses give their evidence. A great deal has been said about the expense of examinations. That expense must be incurred in all cases where evidence is taken. If it were taken in an open court it would be a great deal more expensive, in my opinion. The superior judges cannot exactly tell when they will come to a cause, so as to begin to hear it, whereas we allot certain times, and get through it in the best way we can. If witnesses were summoned from Newcastle or Sunderland, three or four hundred miles off, the parties would be put to a great deal of expense.

100. Do you think it would be possible to point the attention of the court to cases in which there is anything peculiar in the demeanour of a witness?

(*Mr. Parker.*) I have done that.

(*Mr. Otter.*) The only difficulty attending that is, that it is a very serious thing to brand a witness with discredit, except under very peculiar circumstances.

101. (*To Mr. Parker.*) You are aware that the court has the power, when the evidence comes before it, of examining the witnesses over again. Are you aware that that has been done to any extent?—I do not know any case in which that has been done. It was with that view that I have thought it right to make a representation upon an examination that a witness had given his evidence in such a manner that it would be desirable to examine him again, if any dependence were to be placed upon his testimony. In that case the witness was in the defendants interest, but the plaintiffs were compelled to call him. He behaved in such a way that he appeared to pay little attention to the obligation under

which he was giving his testimony, and I thought it right to notice his demeanour to the court. The case is not completed.

102. Do not you think in order to avoid the stamping of a brand of disgrace upon a witness, a simple memorandum might be made on the note of the examiner, that he thinks it desirable that the witness should be examined by the court?—I think it desirable that the attention of the court should be sometimes called to the demeanour of a witness.

103. (*To Mr. Otter.*) Do not you think in difficult cases where there are timid witnesses, the examination of them before you, as examiner, is more likely to extract the whole truth without confusion, than when a witness is examined in full court, and liable to be confounded by the state of things around him?—It is difficult to answer that question. Witnesses are not very often confounded in full court. I know one lady, certainly, who never could tell her own name, but I think that does not often happen. Witnesses have generally to be repressed rather than encouraged in open court.

104. Do you think there would be any objection to this course, by way of suggestion, that instead of the examiner making an actual note upon the deposition which he takes down, a private communication should be made from the examiner to the judge in whose court it is, as to his opinion of the demeanour of the witness, and the expediency of the judge hearing the case? Do you think there would be any objection to that, otherwise than the obvious objection that it would be done in private?—That is an obvious objection, of course. Everything, I think, which is said to a judge to influence his judgment should be known to the other parties.

105. You have not found any difficulty in keeping order in your court?—No, none at all. I find everybody generally willing to follow out any suggestion I may make. I have with me a return of the number of cases from November 1852 to March 1854. Those were sixty-nine causes, in which *viva voce* evidence was taken; but that again is to be limited; in fact, it must be taken only from February 1853. I was not appointed till about the 20th of February, and all those are in my writing; therefore it is from February 1853 to March 1854, sixty-nine causes; those are distinct causes, and we cannot tell, without going to the books, how many days have been taken for each of those causes; some of them may have occupied five or six, or eight days. Out of those, twenty-five causes have not been sent up to the Record Office. That looks very much as if those twenty-five causes were settled. The fee has not been paid upon them, because the proceedings have not been taken out.

106. You are aware that a large proportion of causes are settled in the course of their progress, without reference to the evidence?—Yes, but it looks as if they intended to fight the cause when they carry it on to issue, and it must be at issue when they come to the examiner's office.

107. The cases you mentioned are cases which have not been brought into court after the evidence has been taken?—Yes, they are now lying in my office.

108. Can you ascertain of those in which evidence has been taken how many have gone into court?—By giving a list of the names, we might ascertain it.

109. In some of the cases in which the evidence has not been applied for, it may yet be applied for?—Certainly.

110. Generally they take the proceedings out immediately?—Almost directly. In fact, they occasionally press us for them. I sometimes sign them directly, and say, You may take them now up to the Record Office at once. Under the new system the clerks do not receive any money, and therefore no accounts need be kept. The fees are all paid by stamps.

111. Is there anything to prevent a cause going on in evidence for a year?—No.

112. Or two or three years?—No; so long as the parties say they have not finished their evidence, we have no power to send it up to the Record Office. It depends upon the Court to grant further time.

113. Have either of you had any complaints made to you personally by solicitors about not being able to get appointments?—

(*Mr. Parker.*) I do not know that I have. They have said: We are sorry we cannot go on with this cause before; but no formal complaint has been made. They have asked: Cannot you give us an appointment earlier? A reference to the book shows how the list stands in reference to appointments.

(*Mr. Otter.*) When parties have been apparently very desirous of having an appointment, I say—If you will come in at the beginning of next week perhaps a cause may have gone off, and we shall be able to give you a day; and they have perhaps hit upon a day where a cause has gone off.

114. Do parties give you much notice of a cause going off?—Only the night before.

(*Mr. Parker.*) And sometimes not that.

115. Do you find that you lose a good deal of your time from causes going off in that way?—Yes; we could get through an immense deal of work if there were some plan devised to compel them to be there.

116. What proportion of time do you think is unoccupied?—It is difficult to say that.

(*Mr. Otter.*) I think, from the experience I have had, the causes before us are becoming heavier and more real. They were very small causes when I was first appointed, and seldom took more than a day; now they are of a very considerable length.

Adjourned.

K. S. Parker Esq.

Q. C.,

C. Otter, Esq.

28th Feb. 1854.

*Tuesday, 7th March 1854.**J. Brown, Esq.*

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

7th March 1854.

JOSEPH BROWN, Esquire, examined.

117. (*Chairman.*) Many complaints have been made respecting the mode of examining witnesses in Chancery; and as the Commissioners understand that you have had considerable experience in the matter, they are desirous to hear from you your views upon the subject. It is stated that time is frequently lost by persons not keeping their appointments, and that when witnesses are summoned for a particular day no witnesses appear, and that thereby the whole of the time of the examiner is lost. Has that come within your observation?—I cannot say that I have observed no such case, but I think, in my own experience, it has not happened in one meeting out of ten. I have seen it happen once in ten times, perhaps.

118. Another subject of complaint is this, that it frequently happens that an examination goes on one day, and is then adjourned for a considerable length of time, sometimes a fortnight or a month; it is frequently not completed then, and then is repeated again at a considerable interval of time, so that not only the examination in the same cause, but the examination even of the same witness, is prolonged for a period of weeks, or even months, thereby giving an opportunity to the witness to frame his evidence as he may find it may suit the particular view of the case he is taking, or the manner in which the evidence comes out, and enabling the parties themselves to patch up the case in a manner in which they could not do if all the evidence were heard consecutively. Have you observed that?—Yes, I think that repeatedly occurs.

119. Is the present practice liable to the objections which have just been stated?—I think it is; but, on the other hand, I think that there are some counter-balancing considerations. Repeatedly, in one's experience at *Nisi prius*, it turns out, in the course of a cause, that you want evidence to prove a fact which you had not anticipated before, either by oversight or otherwise. The cause is tried and disposed of in three or four hours, and there is no time to supply the evidence, though you know that it exists. On the other hand, if you are before an examiner in Chancery, or before an arbitrator, and the examinations in Chancery assume very much the character of arbitration meetings on that point, you find out that a certain piece of evidence is wanting, and you are enabled to supply it by the next meeting, though you had not anticipated it when you first came before the examiner, and were able to supply it with perfect fairness, and without any improper practice with the witness. I consider, on the other hand, that it is not to be denied that serious evil sometimes arises from the adjournment of a witness. I could mention an example. It has occurred to me more than once to find that a witness has been examined and cross-examined at one meeting, and the cross-examination has had the effect, apparently, of completely destroying the value of his evidence in chief. There has been an adjournment, and at the adjourned meeting a re-examination takes place, and the consequence has been that he, having had communications with the other party or his attorney in the interval, has unsaid on his re-examination everything that he had said on cross-examination. That I have seen happen more than once.

120. The cross-examination goes to the court as well as the re-examination in that case, does it not?—No doubt of it. I cannot say that I have formed a decided opinion as to whether the evils or the benefits resulting from the adjournment of examinations are the greater; but I believe that an impression prevails among gentlemen practising at *Nisi prius* that it is attended with considerable evil upon the whole, and that it is better to try the cause off at once, without adjournment, in spite of the evils which result from some piece of evidence being wanted which the parties had not anticipated, and which might have been procured. I believe that is the general impression among common law men.

121. Do you find that in arbitrations the same evil exists?—Yes. I think, so far as my observation has gone, the examinations before the examiner in Chancery are exposed to most of the evils of arbitrations, and to some which are, perhaps, not incidental to arbitration meetings.

122. What are the evils to which you refer?—One evil, and perhaps as great an evil as any is this, that the examiner at present is not entrusted with the power of deciding whether a certain line of evidence is relevant or irrelevant, admissible or inadmissible, and consequently when a question is put, leading probably to a very long line of evidence, which may occupy two or three meetings, on an objection being made the examiner says: "I will take a note of the objection, but I have no power to decide in the matter." The legislature has not conferred this upon him; and the examination is gone into. In a recent case, I knew an examination of that sort which occupied three entire meetings, the whole of which I believe now was inadmissible if the cause had come to a hearing. The probability is, that the other party would have been obliged to pay the costs of the time so consumed.

123. What was the case to which you refer?—The case of Yeoman against Mac Gill, an arbitration case, with regard to a brick-field, in which the whole matter which it was sought to enforce had been considered and solemnly decided by an arbitrator, who had made his award upon it, and it was binding between them. They wanted to undo that,

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and go into the whole matter again; I protested that it was concluded by the award, and I have no doubt the court would have so held. The examiner said: "I am with you, but "I have no power to decide it." They did it at the risk of having to pay the costs. An arbitrator would have had power to decide it then and there on the spot, and if not admissible, cut off the whole branch at once and save all the expense. In another respect, I think the examinations before the examiner may be contrasted with those before an arbitrator, and equally with those before a judge at *Nisi prius* or in any other court. When a judge at *Nisi prius* thinks a matter sufficiently proved he will stop the counsel by saying: "What is the use of making any further inquiries upon that point?" there has been no cross-examination upon it. Then the counsel, who are probably urged on by the anxiety of their client to endeavour to prove a matter two or three times over, have an excuse for stopping the examination, and that saves some expense. But the examiner has no power to do so. An arbitrator, on the other hand, can say at once, and if he is an experienced arbitrator, he will very often say: "Surely that matter is sufficiently proved;" and unless the other side call evidence in contradiction thereupon, stop the evidence upon that point, and perhaps that cuts off three or four sheets of proofs at once.

124. From what you have seen of cases before the examiner, do you think that they would be lessened to this extent—it is plain they would be materially lessened—but so far lessened, if they were heard before a judge in court, as to be got through in a day or two days?—It is difficult to give an opinion upon that, because the cases vary so much in their character; but I do not know any good reason why examinations in the Court of Chancery should occupy on the average much longer time than they do in a court of common law. We know that there are trials in common law which occupy three and four days, but they are very rare.

125. There is this considerable difference, is there not, between cases in Chancery, and cases at common law generally, that in cases at common law you have one issue between the parties, but in cases in chancery there are a great many issues in the same cause, each of which may be tested, and may require a great deal of evidence to be gone into?—It was the old theory of common law that there should be one issue, but it often occurs now, since the new system, that you have a dozen or more issues at common law. I had a case the other day in which we had sixty.

126. Was evidence given upon each issue?—Yes; but even where we have only one issue nominally, it is by no means an uncommon thing that an issue single in form involves seven or eight questions in substance. For instance, in an issue on "never indebted," the plaintiff says in four or five lines: You are indebted to me for goods sold and delivered. The defendant says: I was never indebted as alleged; and there may be half-a-dozen different questions tried and determined before you can arrive at a conclusion; for example, partnership, agency, warranty, contract, quality of goods, usage of trade, alteration of documents, forgery, and twenty others.

127. On the plea of *devisavit vel non*, there might be sanity, fraud, and a number of other issues to try?—Yes. It perpetually happens where the issue is extremely simple in terms, it branches out when you come to inquire into it, into a number of questions of fact, some of which are extremely prolix and difficult; that is a daily occurrence. My own impression has always been, since I was a special pleader—and I am sorry to say I began twenty years ago—that the notion of the common law confining the questions at the trial to one issue was a complete delusion, and it never existed except as a matter of form. The issue might be single in form, but under a most simple kind of common law issue you might have a dozen questions to try at any time.

128. Have you had much experience before the examiners in cross-examination on affidavits?—In *vivâ voce* examination I have. Upon written affidavits, I cannot say that I have. My experience has been confined to cross-examination upon *vivâ voce* examination in chief.

129. But have you not cross-examined witnesses upon the contents of affidavits made in writing by them?—No; I cannot recall having done so now.

130. Could you form any notion of the average number of cases that are got through before special juries at common law in a day?—It is a very common thing to have from four to six special juries put down in a day, and sometimes the whole of the cases are cleared off, but then it is very rare for that to happen from the whole of the cases being tried. It more frequently happens when the causes are called on, that it is found that one is settled, and the second, perhaps after the opening, cannot be heard by the jury. It may be that a third is called, and it is found that some arrangement has been made.

131. Probably two would be as many as could be tried in a day?—If I am asked to state the average, I should say that two or three is about the average for special juries.

132. The cases in which you are called upon to examine witnesses in Chancery, I take it for granted, are heavy cases and of importance?—They have been heavy cases.

133. Is a brief of the pleadings furnished to you?—I have always a brief of the pleadings. In fact, it is as necessary to have a brief of the pleadings in Chancery as it is to have a brief of the pleadings at common law when we try at *Nisi prius*. We are limited to the issue raised in Chancery as well as to the issues raised at common law.

134. In fact it differs very little from a trial at *Nisi prius*, except that you are not addressing a jury, and there is no determination of the cause?—I feel that there are

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very essential differences between an examination in Chancery and a trial at *Nisi prius* in some particulars, but it does not differ in this respect, that you must confine your evidence to the issues joined with a view to prove or disprove them.

135. Have you found in any cases that the examination concluded the case, and that the parties have not gone beyond it?—Yes, I have. I found that that was the case in a recent instance, the case of S——— against L———. I was for the plaintiff, and had to call an attesting witness to a mortgage upon which the plaintiff's case rested, and to examine him as my witness. On cross-examination, he proved the entire case of the defendant in the bill. But the end of his re-examination was, that the other party thought his story so desperate and discreditable that they paid the amount claimed and the costs.

136. Have you known of other cases in your experience where the examination concluded the case, or do you hear of the cases after the examination is over?—Yes. I have been told of more than one case in which the examination before the examiner has ended the cause, and it has never been brought into court afterwards. I must say this generally, that I have heard from solicitors a general approbation of the new system, and an expression of opinion that it was a great improvement upon the old one. I have heard that in answer to remarks of my own that it appeared to me that very great expense was incurred and great delay also by the present system of taking examinations before the examiner, and the answer has always been that it was a great improvement on the old system, with all its defects. I do not feel competent to express an opinion upon that subject, as I am not familiar with the old system.

137. Could you suggest to the Commissioners any means of improving the present system?—It is much more easy to point out defects than to suggest a way of amending them. I have turned the matter over in my mind, and the difficulty I feel is, that in attempting an amendment, you may plunge into evils greater than those that now exist. I feel this, that probably the examinations would not run to one half the length they do now, if the examination was taken by the judge instead of being taken by the examiner. They would not run to the same length for several reasons. In the first place the judge would cut off irrelevant questions, which the examiner cannot do; in the next place, the judge would be constantly intimating his opinion: "You need not carry it further in evidence, because, unless distinct evidence is intended to be produced on the other side to contradict it, it is sufficiently proved." In the third place the judge takes his own notes, and he takes down only what he considers material, and he would omit certainly one half of what the examiner takes down. I need not say that, by the system of the judge taking the evidence himself, the parties would be completely spared the expense of taking office copies of the examiner's notes, when the matter comes on for hearing; that is evident. The counsel would take their own notes, and all these matters would produce, no doubt, a great saving of expense, and I think also, would save a good deal of delay. But then I fear that these objects are scarcely to be attained on any system of examination before any person, except the judge. It has occurred to me that some of the defects of the present system might be remedied, if you gave the examiner more power. But that consideration must have passed through the minds of the framers of the Act now in force. It is obvious that they have expressly withheld from the examiner the power of deciding upon the relevancy or materiality of questions. They have probably thought this too great a power for the examiner, and that it would be necessary to grant an appeal against his decision; and that being made in some cases, and his decision being reversed, it would probably cause much more expense than the present system, by which you occasionally get a load of irrelevant evidence on the notes, but still with the power on the part of the judge to inflict the costs of that evidence and of those meetings on the party who has occasioned them.

138. Have you ever examined witnesses at common law before a master, when they are going abroad?—I cannot say that I have before a master. I think I have before a private examiner.

139. The master there has no authority to find the relevancy or the irrelevancy of the evidence?—Certainly not. The course taken is nearly the same as before the examiner. If you choose to put an irrelevant question, the master says, "I will take it down," and when you come to *Nisi prius* it will be rejected.

140. Has it occurred to you that there are two difficulties in the way of a judge taking the evidence, there being an appeal from the judge in Chancery to a higher tribunal, and that appeal being, in fact, a new trial; so that, if the effect of the evidence before the judge below was considerable, that appeal would be imperfect, unless the whole of the evidence taken before the judge below was carried up to the higher tribunal?—Yes.

141. Or the witnesses, who knew the grounds upon which they had failed in the court below, might shape their evidence in a different way, with the view of meeting the particular case on which the judge below felt a difficulty?—I should say that the difficulty, such as it is, would exist under any system of proceeding. In the Common Law New Procedure Act, it is proposed by the Common Law Commissioners to give an appeal to a court of error on a motion for a new trial; there you must go by the judge's notes, and the new trial, which is to be moved for, will be granted or refused

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upon a special case to be settled by the judge, if the parties do not agree. The case is also the same on a bill of exceptions, which sets out the evidence given in the court below, and which goes to a court of error to take judgment upon it on the bill of exceptions. If the plaintiff's and defendant's counsel differ as to whether any particular evidence was or was not given, it is settled entirely by the judge's notes, and if he, by an oversight, has omitted anything which is material, if the counsel dispute about it, it must be left out of the bill of exceptions. But the truth is that, although the legal rule of practice in courts of common law is, that where there is any dispute as to whether evidence was or was not given at the trial, the judge's notes are to be decisive; yet in practice the court will hear the counsel read their notes from the brief of anything that the judge has omitted, and if the judge, on hearing it, recollects it, or it seems that, from the circumstances of the case, some such evidence must have been given, it is attended to by the court.

142. Some judges take very imperfect notes, do they not?—Yes; and I have known judges' notes to be illegible.

143. Their own notes?—Yes.

144. There is another difficulty, is there not, that there are certain days appointed for particular matters in Chancery by the judge? A cause might stand over for two or three days in the middle of the evidence; and unless that rule could be altered, that would probably give rise to the same objection which you have already stated, the interruption of the cause from the additional evidence given?—Yes, that is a circumstance which does occur occasionally at common law. I have known a cause adjourned over, though not often, from Friday to Monday, and even in the adjournment from the evening of one day to the morning of the next you are exposed to that, and you cannot avoid it. Counsel usually cross-examine on that subject as to whether there has been any communication with the adverse party in the interval if they suspect it. No doubt it is past all dispute that it is a great evil to have an adjournment of the examination of witnesses in a cause take place from this week to next, and so on to next month, or over the vacation, and then to be resumed again. It is an evil unfortunately incidental to arbitrations as well as to examinations before the examiner, and it is very difficult to suggest a remedy for it.

145. What in your opinion would be the effect of a system of this description, directing that all evidence in a cause should be on affidavit, but with the power to cross-examine the witnesses upon their affidavits, and also in cases where they refused to make an affidavit, but only in those cases, to subpoena a witness to be examined before the examiner, with the power also to the court where it thought fit, but leaving it in their discretion, to summon any witness at the hearing of the cause, and to have him examined and cross-examined in open court?—I feel some difficulty in answering that question. I am almost disposed to say that nothing but an experiment could enable you to form an adequate judgment upon such a system as that. I own that it rather seems to me that you would probably be disappointed in regard to saving time and expense in that mode of examination; and what makes me suspect that you would is this: that an affidavit made by a witness would, in a variety of cases, and at all events in the case of a witness whose evidence required a good deal of sifting, be so cut about and hashed up by cross-examination, that in re-examination the counsel whose witness was under examination would probably have all his examination in chief to go over again; but in the case of a great many witnesses who prove matters not very important or material, there would probably be a saving of time and expense as to them.

146. In those cases to which you have been referring, are there many witnesses who merely prove immaterial matters that are examined before the examiner?—Yes, I should think in point of number that those witnesses were as numerous as the others, but they do not occupy one-sixth of the time consumed, for their evidence is usually short.

147. We understand from the examiners that everything is conducted with the utmost decorum and respect, and that there is no want of authority on the part of the examiner; have you observed anything in accordance with that, or to the contrary?—I do not think there is any deficiency of decorum. The truth is, that I feel this, and I have no doubt every man does who has practised at *Nisi prius*, that the presence of the judge does and always must do a great deal to save irrelevant and unnecessary questions, and to cut short unnecessary prolixity in the evidence; I cannot help feeling that.

148. With regard to the extraction of truth, do you think that there is any advantage in a system of private examination as contrasted with the examination in open court, or is there a disadvantage in it?—It occurs to me certainly, during the examination of witnesses, that the presence of the judge and the presence of the jury and a number of spectators has probably a more powerful effect on the minds of many suspicious witnesses than the mere presence of the examiner, and of the attorneys and counsel in the examiner's room; I think that is so, but on the other hand there are disadvantages to be mentioned. I have seen timid witnesses so embarrassed by being put into the witness box that they could not do themselves justice nor the cause, and it is a case which perpetually occurs.

149. Do you find that examinations run away from the issue a good deal?—I do not think that that is a complaint which can be generally made. As a general rule I think they are pretty much confined to the issues. The examiner, if appealed to on that

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subject, gives his opinion, and I find there is a very proper deference shown by counsel to the opinions of the examiners; but then the examiners are naturally chary of taking upon themselves functions that do not belong to them. I may throw out this suggestion, whether or not it would be a good thing for the examiners to be present in court on the hearing of every case in which they have taken the evidence. It has struck my mind that probably if they were so, and were to receive suggestions from the judge in the course of the hearing which may arise upon the observations of counsel on the evidence, it might be of material service to them in the exercise of their functions afterwards. I do not think that the present examiners have had a fair trial, yet it strikes me that probably a gentleman who had been two or three years exercising those functions would be able to conduct them with less prolixity and in a more satisfactory manner to all parties, as well as to the judge, than he can now after six or twelve months' exercise of those functions. I certainly have got an impression that his mode of conducting an examination would probably be considerably improved, if he were allowed or required to attend the hearing of every cause in which he has taken evidence, and to receive any suggestion from the judge.

150. There is this difficulty, is there not, that during that time he would be unable to take additional evidence?—Precisely.

151. And then he might have two causes going on at the same time in which evidence taken by him was in question in different branches of the court?—No doubt.

152. There is an arrear now, is there not, before the examiner of three months?—I rather think there is from the difficulty that there now is of getting an appointment. You must wait a month or two for it. It has also occurred to me that probably some of the unnecessary evidence which is at present given might be saved if the examiner were in constant communication with the judge of the court, so as to be at liberty to receive suggestions from him when there might be a difficulty in his own mind. On the other hand, I do not think it is possible to trust the examiner, or indeed any gentleman, examiner or not, except the judge himself, with the power of deciding whether evidence is admissible or inadmissible without hearing counsel for the parties. I feel that; still I think that a constant communication with the judge might be of material assistance to the examiners.

153. Have you any other suggestion to make which you think would be useful to the Commissioners?—No, I think not. I should like to make this general observation. It has appeared to me, on considering the matter, that the defects which belong to the present system of examination are probably incidental to any system of examination which does not take place before a judge, more or less incidental to it, and to a certain extent inseparable from it. It also occurs to me, as a probable matter, that if the present system received a further trial, after two or three years the examiners may get into the way to some extent of remedying the evils which now prevail, but I think it can hardly be considered to have had a fair trial.

154. If anything should occur to you when you receive the evidence for revision, perhaps you will have the goodness to add it?—Yes.

155. Do you think that any benefit would result by the questions being reduced into writing before the witness is produced, and then letting the cross-examination stand for the next day, and that the questions on the other side should be reduced into writing?—I am afraid not, according to my judgment on the subject; and for this reason, that with the exception of formal witnesses, or witnesses whose evidence you well know beforehand, you really do not know, until you have asked your first question, what your second question ought to be, and you do not know till you have got your answer to the second question what your third question ought to be. I think that that remark applies to examination in chief as well as to cross-examination, but more peculiarly to cross-examination when you have a hostile witness. I venture to say this, that it is utterly impossible to deal with a hostile witness, particularly if he is an unfair one, in any mode except by *viva voce* examination.

156. Did you ever attend a court-martial?—Never.

157. Have you had a great deal of experience of examinations before arbitrators?—Yes.

158. You think, do you not, that that is open to the same objections as examinations before the examiners?—It is open to most of the objections.

159. With the exception that the arbitrator has the power of a judge, which the examiner has not?—Yes.

160. He is a judge as to the demeanour of a witness?—Yes; probably the same objection exists very much, that though the arbitrator possesses that power he is usually very reluctant to intimate any opinion during the progress of the case. There are several reasons for that, and in consequence of that parties sometimes go on proving three or four times over what a judge at *Nisi prius* would stop after examining the first witness.

161. On the whole have you found that at *Nisi prius* the truth is brought out better than before an arbitrator or before the examiners in chancery?—No; my decided opinion is that truth is better brought out by an examination before an arbitrator or an examiner than it is at *Nisi prius*, but it is more expensive and more dilatory.

162. You have stated as an objection to the system suggested by the Master of the

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Rolls, that if there were evidence on affidavit on cross-examination the effect would be to confuse the original evidence, and it must be all gone over again in re-examination; did that apply to the case of a cross-examination of the affidavit of a witness before an examiner or before a judge?—I doubt whether it would make any difference whether the cross-examination took place before the examiner or before the judge. It strikes me that though affidavits may probably be the shortest mode of taking evidence upon a question as to matters of form, or as to witnesses whom there is not much occasion to attack, yet as to hostile witnesses, or those who speak to vital and contested points of the case, I do not conceive so far as I am competent to form a judgment that anything would be saved by giving the evidence in chief by affidavit and then taking the cross-examination and re-examination *viva voce*. I think rather that additional length would be caused by that mode.

163. Have you formed any opinion as to the proportion of evidence that would consist of witnesses who speak to matters of form, adding to them also witnesses above suspicion, as contrasted with those witnesses who particularly require cross-examination?—I should think, so far as my experience has gone, that the majority of witnesses are those who do not require much sifting in cross-examination, they either speak to matters of form or to unessential parts of a case; but the minority of witnesses, say three out of seven or eight in a cause, the proportion of one third to one half perhaps, who speak to the vital points of cases require a great deal of sifting and cross-examination, and their evidence will occupy in point of bulk perhaps three-fourths or more of the entire.

164. The expense depends very much upon the actual number of witnesses, and out of that not more than one-third probably are required to be examined before the court?—Probably not.

165. In those cases ordinarily the cross-examiners exercise their discretion and do not cross-examine the witnesses who do not speak to the vital points of the case?—No.

166. Have you generally seen cross-examiners confine themselves to the cross-examination of material witnesses on material points?—Yes, I think so. In fact I think it is a pretty general rule with gentlemen at *Nisi prius* who have had some little experience in cross-examination to put no questions except those which they are almost obliged to put to sift the witness, it being found in practice that you more frequently make your case worse by cross-examination than improve it. A hostile witness generally mends his own story by your cross-examination, and if he can he will do that, and unless you are obliged to put certain questions to him it is a good rule not to do it.

167. That is when he comes to speak the truth, but if not speaking the truth does the same remark apply?—Whether he is speaking the truth or not, we frequently conceive if he has told a plausible lie as to which he knows there is nobody that can contradict him he will mend his story in cross-examination, and if the lie is one which does not go to the vitals of the case it is very frequently left untouched by the cross-examining counsel.

168. Have you found that the abstinence from cross-examination which now pervades *Nisi prius* is practised before the examiners in Chancery?—There is no doubt that they both examine and cross-examine more before the examiner than before the judge at *Nisi prius*. The truth is that the learned judges at *Nisi prius* have so much business to get through, that they very naturally manifest considerable impatience when they find that a gentleman is putting unnecessary questions, or indeed any questions that might be spared, and they exhibit that impatience in a variety of ways where it is necessary to get through the business with proper despatch, and the consequence of that is, that examinations and cross-examinations at *Nisi prius* are conducted in the briefest possible manner which the case admits of.

169. Are they not sometimes too brief?—If I were to express my own opinion and the opinion of many other gentlemen, I should say that they are sometimes too brief. I know that before a certain judge we dare not put questions which we wish to put, and which we think ought to be put, but there are evils on both sides, and perhaps that is the less of the two.

170. Is that the reason why you think upon the whole though at great expense and delay the truth is better extracted before the arbitrator or the examiner than by the evidence at *Nisi prius*?—That is one reason and the main reason undoubtedly; but another reason is this, that it is quite impossible to enter fully into the details of a complicated case before a jury. Both judges and counsel feel that to be the case. You are compelled to try the general questions in as short and general a manner as you can, in fact to try such matters as are intelligible to the jury and can be considered by them in the box. As to going into the details of a case involving numerous items that is quite out of the question, and that compels so many references to arbitration.

171. The judge has no power to compel a reference to arbitration?—Theoretically he has none, but practically he has that power, and he exercises it every day; he is obliged to do it, and he does it out of considerations of justice.

172. Is there anything further that you wish to add to what you have already stated?—Nothing further occurs to me at present.

The witness withdrew.

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173. You have had considerable experience before the examiners in Chancery, have you not?—I have had some.

174. Will you state to the Commissioners what defects you have observed in the system?—The great defects, I conceive, are the enormous expense and delay, with, I should say, not an efficient result. I can give the Commissioners an instance. There is a case in which I have been examining to-day, E—— and W——. There is the plaintiff and one defendant. We began that examination in July last. The first day was on the 1st of July; the second day's examination was on the 18th of July; the third day was some time in November; the fourth day was in January, and the fifth day was to-day. Ultimately, we have two consecutive days, and it is to go on to-morrow; that makes six days. I have a statement from the solicitor, a rough computation of what the expense of the cause has been, only from July to this time, and the evidence is not complete, and the expense of the whole, there being only two parties, is estimated at something short of 200*l*. The plaintiff had brought all his witnesses up on the first day. That was unnecessary, but it was in ignorance of the system and how long the evidence would occupy. By mistake, all the witnesses were brought up, but only one was examined, and that witness was completed, I think, on the first day. The expense of that day was about 44*l*., and I think that it ran, on the average, rather more than 30*l*. a-day during that time.

175. When do you expect it will be completed? Has the plaintiff gone through his evidence?—Yes, he took three days. I am for the defendant. We shall finish to-morrow, having three witnesses. There were, I should say, about eight witnesses on the two sides.

176. What time do you think it would have taken if the witnesses had been examined in open court before a judge?—Much shorter, I think. If examined in Chancery, I should think it would have been curtailed very considerably. There is a discursiveness in consequence of its being a private tribunal in a sense.

177. Anybody may be present?—I have never seen persons present but those in some way or other concerned in the matter.

178. Is what you have stated as to the expense exclusive of copying the depositions afterwards, and so on, so that all the expense of copying the depositions and paying office fees will have to be added?—I believe that will be all in addition. This is the mere expense of the witnesses and counsel attending for those particular days. I have another instance, the case of the ——— Bank. I was counsel for a material defendant in that case. Other counsel appeared for other defendants. The short object of that suit was this: The bank had failed; it was a joint stock bank, and the object of the suit was to make the ordinary directors of the company liable for the acts of the managing directors. There the shareholders, by the public officer, were the plaintiffs, and the defendants were the directors. In that case there certainly was an extravagant number of counsel, that is to say, the parties had two counsel each. It was a very important case in point of amount of money, and the parties, my client amongst the others, brought in common law gentlemen. Mr. Atherton led me on that examination. The plaintiff called one of the managing directors and a defendant in that character to prove his case. That party was under examination six days, and his examination in chief was not completed then. Then came his cross-examination, and the re-examination was not completed. I believe it is a suit which, in all probability, would have been compromised. It was a suit of that description that looked like a compromise; but I am quite authorized to say that the tremendous expense which the examination of that single witness cost expedited the compromise. The estimated expense, according to an account which was put into my hands this morning, the total amount of the expense of this incomplete evidence of one witness is put down at 815*l*. 16*s*. 6*d*. It was the mere examination of the witness, and it did not include taking copies of depositions or any other expenses than those connected with getting from the witness what he had to say. I would just state that there were eight counsel, and I should say that the counsels' fees alone per day would certainly not have been under 50*l*. I believe they were more; but taking them at that rate, six times 50*l*. is 300*l*. I should say I am estimating very roughly, putting what I believe is the ordinary fee after the first day; but no doubt the fee for the Queen's counsel would be ten guineas, and, I presume, for the other ordinary counsel five guineas. Multiply that by eight, with the addition of half as much more for Queen's counsel, and you have then very hard upon 50*l*. a day. I do not think that that was a case in which the evidence was in any way lengthened out. I think there was every disposition to keep to the point, but it was, no doubt, a very heavy case, and there were a great many bank-books to refer to.

179. That would have taken a long time before the court?—I really think it is a sort of case which at *Nisi prius* they would not have heard. I think they would have driven the parties to arbitration from the necessity for constant reference to the books and other documents.

180. Before an arbitrator there would have been the same objection as before the examiner?—Yes, probably there would.

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181. You state that you think the result is not good. Do you think that the truth is not extracted before the examiner?—I do not mean that; but I think that the nature of the evidence is loose and very discursive. When it is taken from the mouth and then put in the form of a narrative, I should say the result of my own experience is that it falls pointless on the paper; you do not feel the full effect of what the witness has said; it is very difficult to take down the witness's own words, and I think generally they are not taken down; it is rather the effect. With respect to cross-examination the whole point seems to be lost for want of knowing what the question was.

182. Was a short-hand writer employed upon those occasions?—Yes.

183. Was the expense of the short-hand writer included in the 800*l*.—Yes.

184. What the short-hand writer takes down is not probably used before the court?—No; I imagine not.

185. The examiner always takes down his narrative of the evidence, which is the only authentic document on which the court acts?—Yes.

186. It is read over to the witness, is it not?—Yes, and afterwards he signs it; but there is not unfrequently a long discussion whether this or that statement should not have been taken down, and there is dissatisfaction at times. Of course it is a question of discretion on the part of the examiner, but one is not always satisfied that the very words are not taken down in an important part of the evidence; or that the thing is not so fully stated as seems to be required.

187. Have you ever considered what would be the effect of affidavit evidence, so far as each party can avail themselves of evidence by affidavits, with liberty to subpoena parties who would not give affidavits before the court at the hearing of the cause to be examined in open court, and with liberty to cross-examine any adverse witnesses with whose testimony by affidavit you were not satisfied?—The first objection to an affidavit is obvious. It is not the statement of the witness, but that of the drawer of the affidavit; and the mode in which a sentence is turned will give it an effect, and in that respect I think it is open to great objection. I conceive that if an affidavit were prepared with due caution, and there were such a power as you speak of, of cross-examining *vis à voce* at the hearing, that would be more effective than the present system. With respect to affidavits, the present system is so extremely loose that it requires great restrictions as to what is to be in the affidavit. It is a very uncommon thing to find an affidavit that is not open to objection, containing, perhaps, a vast deal of matter that is not at all necessary or is not legal evidence.

188. The Commissioners are informed that affidavits are more cross-examined upon at present, and that in consequence affidavits are more precise than they used to be. Does that accord with your experience?—I have had no occasion, nor have I been present when an affidavit has been cross-examined upon.

189. What would be the effect, do you think, if the system which the Master of the Rolls has suggested were adopted of cross-examination before the examiner, and the examination of such witnesses as refused to give evidence upon affidavit before the examiner, but with the power to the court in the exercise of its own discretion to call any witness at the hearing of the cause, either for the purpose of examination or cross-examination before it?—I should very much prefer cross-examination in court. I believe that the power to cross-examine in court would frequently prevent the necessity of cross-examination; but I think if they are only to go into the examiner's office and cross-examine there, it would not answer so well. I find the practical result of this evidence is, that the facts are much more disputed than they used to be.

190. The difficulty that was suggested by the last witness, Mr. Brown, was the time that would be occupied, and in fact if you cross-examine upon an affidavit, you cannot do it without allowing the counsel for the opposite party to re-examine, and that in his re-examination he would find it necessary to give the whole of the examination in chief?—I cannot say what would be the practical working of it.

191. If there were more examinations of witnesses in court, the practical effect would be, would it not, to make it necessary to have an additional force in court?—Yes, I should conceive so.

192. And that to a considerable extent?—Yes; but on the other hand I presume if the present system is to be continued, there must be a very considerable additional force of examiners.

193. If all evidence was taken by affidavit, except where a witness refused to give evidence upon affidavit, and the examination before the examiner was confined to cross-examination upon affidavits, and to re-examination, that would diminish very much the difficulty, would it not?—Yes, very considerably; and I believe that cross-examination would often not occur at all, where a witness is now cross-examined, after being examined *vis à voce*.

194. Have you attended much when there has been a private examination by an examiner specially appointed?—Never.

195. Have you ever acted as a special examiner?—No.

196. Is there a large proportion of deponents, at all events, whose affidavits are as a matter of form, or who are otherwise above all suspicion, and whose evidence would therefore not require cross-examination?—I should say so certainly.

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197. Are those witnesses much cross-examined before the examiner?—Yes, considerably. I should say, much more than the case requires ordinarily; but then, it must be remarked, that those who are present are rather new to the subject. I think it may be owing to that in some measure.

198. Do you think that in the course of two or three years, when the examiners themselves, and the counsel in the Court of Chancery, who have not yet been habituated to the ordinary examination shall have acquired more experience, there is probability that the system will work better?—I confess I do not think so. I think that the expense will still continue, and also delay, unless the number of examiners is increased in such a way, that you can in all cases insure continuous proceedings in an examination.

199. Would not the expense be very great if witnesses were cross-examined before the court in this way, that it would be necessary to have all the witnesses up for every cause in the paper?—I should really think that that would not be absolutely necessary. I imagine that some notice of what witnesses would be cross-examined should be given, and that the discretion of the counsel would keep the matter in such control as to make cross-examination but a rare matter in open court; but then the affidavits must be of a very different description from what they are now; they must be confined to legal evidence, and they must be affidavits which the party should have a right to employ counsel to settle, for which purpose, I believe it would be necessary considerably to reform the present system of taxation. I believe that system has not altered with the practice of the court.

200. If counsel prepared those affidavits, would not the evil to which you have before referred be still greater, viz: that the affidavit is not the evidence of the individual, but the language of the party who prepares the affidavit?—That is true; there would be more skill in giving a turn to it, but on the other hand the affidavit would be more free from other objections.

201. Would you propose, that one party should give notice to the other that he did not intend to cross-examine such and such witness. If he did not it would be necessary for him to have all his witnesses present, in order that they might be cross-examined if required?—I think so.

202. Do you think that that would be done extensively. Suppose, for instance, the court should be of opinion (and it is sometimes very difficult to know upon what point a cause will turn), after the plaintiff had given notice to the defendant that he would not cross-examine such and such witnesses upon their affidavits, that it was material?—The court would deal with that, I should imagine, and let the cause stand over to give an opportunity for the witness to come.

203. But you would then have a double hearing, and persons coming to support the view of the case which they saw the judge had taken. The great expense seems to be, as we understand, the attendance of witnesses?—No doubt, and the fees for counsel and the expenses of solicitors.

204. That expense would be very much increased, would it not, if all the witnesses were obliged to be present in the several cases which were not heard?—I presume that that might be controlled in some measure. It is at the risk of the party, of course.

205. Assuming that the court has six cases in the paper, and suppose the court disposes of three or four contested cases in a day, it would be necessary to have witnesses in the three or four contested cases?—Yes; that is so at Nisi prius I believe.

206. You would not propose to make it compulsory upon the parties to produce witnesses from different parts of the country before the court; if you did, the expense would be still largely increased; from Liverpool or Sunderland, for instance?—At present I think the rule is that the party who cross-examines for that purpose treats the witness as his own witness.

207. I believe a party can, if he please, examine a witness at Liverpool or at Sunderland; but in a heavy case, where the witnesses live at a distance, the expense would be much greater to bring them to London?—No doubt.

208. From the effect of the delay which you have mentioned in the cause of Eades and Williams, where the examination occupied six days, but extended over eight or nine months, have you observed in any case that the evidence has been altered upon the subsequent occasion, in order to meet a difficulty which occurred on the previous occasion?—No; I cannot say that I have. In that case, I believe, on each side the original case has been stuck to entirely, nor in any case have I seen the contrary.

209. Not in the case of the ——— Bank?—No.

210. Were applications made for consecutive appointments in that case?—I presume so; but if applications had been made for that purpose they must have been made, as I understand, several weeks, before consecutive days could be given. For instance: I was present at an examination which took place to-day. It was appointed last January, and we got two days at the earliest period we could get them. I think that affidavit evidence would be more used now than it is, but that the parties are not aware what evidence will be required. For instance, the plaintiff files his affidavits at the last moment, and the defendant has no idea what evidence the plaintiff is going into, and the consequence is that it is the defendant, in the majority of cases, requires it to be orally taken.

211. What do you think would be the effect of requiring each party to file the affidavits by a certain day, to be fixed before they examined the witnesses, so as to show what amount of evidence they proposed to give by affidavit, and afterwards to examine all

the witnesses; would that shorten the proceeding?—Yes; no doubt. There is a great deal of evidence taken which might be taken on affidavit, on matters not disputed. You may bring, certainly, evidence specially as to that which is the real subject of dispute; and you might certainly, with effect, I think, have mixed evidence of affidavit and *vivâ voce*.

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212. Have you observed any defects of this description. The examiners have informed the Commissioners that on several occasions where parties have taken out an appointment for a day for examining witnesses they have not kept the appointment, but have merely given him notice the day before, and in consequence the examiner has had nothing to do?—I have had no instance of that within my own knowledge, nor have I heard of it.

213. It is stated that that has frequently happened when they might have been usefully employed; and that there were many persons who had witnesses for examination who had no means of getting them examined by reason of the appointments being put off?—No doubt it is open to that difficulty.

214. Does any means occur to you of preventing that evil. Do you think that a fee might be paid on taking out an appointment for examination? At present a person loses nothing by giving up an appointment except that day?—If they paid a fine it would operate so; but I am surprised to hear it intimated that that exists to a great extent. There must be times when counsel are employed, and when counsel unavoidably cannot attend when they are engaged in court.

215. That leads to the employment of two counsel, does it not?—Yes, I believe that is generally the cause of employing two counsel to secure the attendance of one.

216. It would be almost impossible, would it not, for a counsel of any experience to devote himself the whole day to the examiner's office?—Quite so, during the sitting of the court.

217. In the case of the ——— Bank, do you recollect over what period those six days were distributed?—I think in December; there were four consecutive days appointed, and in January, the two remaining days.

218. What was the name of that case?—It was H——— v. B———. The examination began on the 19th of December, and I find it was on the 19th, 20th, 21st, and 22d, and on the 16th and 17th of January. There were four consecutive days.

219. Has it occurred to you to consider any plan that you would prefer for conducting evidence in Chancery?—I have heard a great deal of the way in which evidence is taken in Doctors' Commons, and I must say, as compared with what our old system in Chancery was and with our present system, and with reference to the present plan of numbering articles in bills and answers, so that you can assign a witness to given pleas in the way in which they do in Doctors' Commons, my own impression is that that is a most satisfactory way of attaining the truth, and putting a witness for his examination in chief into the hands of an efficient examiner. I believe that the system does require this alteration, that they want *vivâ voce* cross-examination. I think it would be desirable, if practicable, and I think that there is no better way of attaining the truth than by the means adopted for the examination in chief of witnesses in Doctors' Commons.

220. Then the cross-examination wholly fails?—The cross-examination fails as it failed in Chancery before the alteration of the system; but I am not aware why you should not, in Chancery, if you take the cross-examination *vivâ voce*, take evidence in chief in this, which is certainly a preferable way to affidavit, because the examiner does not give that turn to the evidence which the party drawing the affidavit does. Then you cross-examine *vivâ voce* in the same way; in fact, that plan is the same, excepting as to the origin of the evidence, the evidence in chief, the means of cross-examination would be the same.

221. The difficulty suggested is, that nothing will be saved by that; that there would be so much necessity of explaining the cross-examination, that it would introduce all the examination again?—I should have thought not, if the evidence in chief had been properly taken.

222. The mode which you have suggested of taking evidence in chief would not allow of the attendance of a solicitor or counsel?—No. I believe, from information which I have received, and which I can rely on, that the way in which the examiner in Doctors' Commons takes the evidence is as free from the objection of leading questions, or anything which would take the witness aside, as any course that you can suggest. I rather think that there is evidence to that effect by Mr. Murray. I think he gave evidence. He was the secretary of the Ecclesiastical Commission some years ago, and happened to have been a witness in Doctors' Commons himself; and I think he gave evidence as to the mode in which evidence in chief was taken, and spoke of it in the highest terms.

223. Is there anything that you could suggest beyond what you have stated?—The only thing I would suggest, if the evidence is by affidavit, is, that it is the best policy to have the best affidavit that can be made; and, therefore, as we find daily in court, where the solicitor prepares a petition which requires, in many instances, to go back to be reformed, so in the case of an affidavit, I think it would be highly impolitic and very bad economy not to make as much a part of the costs the settlement of the affidavit to be used in evidence upon taxing, as between party and party, as any other matter where the party would be allowed costs.

224. Then it would be difficult to make a distinction between affidavits; and all affidavits would require to be settled by counsel?—I should not say so. I would not

S. B. Toller, Esq. require counsel to draw a common affidavit to prove an exhibit. I think, in practice, there would be no difficulty in drawing the line.

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225. Would you allow the taxing master to allow the expense of employing counsel?—Yes, as a matter of economy; there may be originally more expense, but the thing would be better done, and there would be less expense in the end.

226. Would it not lead to additional expense, in consequence of being the duty of counsel to suppress everything adverse to the interests of his client?—That is the objection to all affidavit evidence.

227. You consider that the solicitor already does that before it is put into the hands of counsel?—I conceive so.

228. Your opinion is that the utility of employing counsel would be in his rejecting matter that is not legal evidence?—Quite so.

229. And putting it in some order of arrangement?—Yes.

230. One of the great evils attending affidavits is the loose mode in which they are drawn up?—Quite so.

231. They are not divided at all into heads?—Yes.

232. Now they are divided in the Court of Chancery, are they not?—They are required to be so.

233. Is there anything further that you have to suggest to the Commissioners?—Nothing further.

The witness withdrew.

G. Jessel, Esq.

GEORGE JESSEL, Esquire, examined.

234. You have had a great deal of experience, have you not, before the examiners in Chancery?—I have been several times before both examiners.

235. Have you observed any defects in the prevailing system?—I should say, with great respect to the parties who devised it, that, as at present constituted, I never saw a worse system for taking parol testimony. I will endeavour to explain this: Under the present system, after a long cause is at issue, the plaintiff obtains, after a delay of six or eight weeks, two days for the examination of his witnesses; another period of six or eight weeks elapses before he can get a second appointment, and then he obtains two days more; after another interval of six or eight weeks, there is an appointment for the defendant, perhaps, and so on; so that, under the present system, I have known a cause which I am certain, from what I know of *Nisi prius*, would not have taken more than three-quarters of a day, take six months; the delay is often fatal to anything like justice to the parties; it must be very prejudicial to them, and such monstrous delay ought not to be tolerated. In many causes the witnesses come from a very great distance; in one case now pending in which I am engaged the witnesses come from Newcastle, and in another from Jersey; and the consequence of this system of appointment is, that the witnesses are brought more than once to attend, and you have double journeys, and those often long journeys, to pay for, which adds enormously to the expense of the parties. Not only this, but in all those cases the country solicitor attends; the town agent knows very little about the witnesses, and the country solicitor has to instruct counsel to cross-examine, and he again charges a journey and a return journey for every time he attends the examiner. From inquiries I have made of clients, I should say the expense was quadrupled by dividing the hearing of the witnesses into so many appointments. It is obvious that these objections as to delay and expense are exceedingly material, but these are not the only defects of the present system. I am quite satisfied that it has a tendency to produce perjury, and in this way: In any ordinary case at *Nisi prius*, as soon as the plaintiff's evidence is completed the defendant's begins; but in our system, as at present established, the defendant always has six or eight weeks to get up evidence to rebut the evidence which he knows to have been given for the plaintiff. It is obvious that this is an advantage which the defendant ought not to have, and that a dishonest defendant may be induced to get up contradictory evidence, by seeing the facility with which it can be done, without giving the plaintiff an opportunity of obtaining any additional time to enable him to inquire into the character of the defendant's witnesses so as to cross-examine them effectually; for if the defendant can manage to conclude his examination within the two days, then the plaintiff must cross-examine at once. Not only has it that effect with regard to the defendant, but it has a similar effect with the plaintiff, because a dishonest plaintiff, having discovered that his witnesses have not quite come up to the mark, has an opportunity during the interval of six or eight weeks to get further witnesses who will testify more precisely to the facts that are wanted to be proved. It is obvious that that ought not to be, and that the case ought to be heard and disposed of at once. The present system produces evil in all these ways, and it seems to me that unless some system can be devised, by which the evidence can be taken at once on both sides, as at *Nisi prius*, we produce much greater evils even than the old system produced as to delay, expense, and the temptation to false swearing. I would suggest as a remedy that the cause should be heard, if I may say so, on the facts as speedily as possible; that the party should have notice of trial in the same way, or in a similar way, to that in which I believe they have notice at law; that the plaintiff's witnesses should be examined and then the defendant's,

and that there should be no interval between calling the first witness and the last beyond the necessary time occupied in the examination. That, as a matter of course, would introduce some alterations in the system of the examiner's office, but such alteration does not appear to me to be at all vital to the existence of this present system.

236. Like the jury's services at *Nisi prius*?—Yes; I think without that is done, nothing in the world will make the present system satisfactory. These are not the only objections. The present system leads to a great waste of the public time. It frequently happens that the plaintiff takes two days, not because he wants that time, but because he is not sure that one will do, and it turns out that one is sufficient. I have known the second day entirely wasted because the defendant says, "They are not my days, but the plaintiff's;" and frequently a part of the day is wasted. Another evil is this, that the parties have a tendency to neglect the public time. I have known it happen in a case in which I was engaged, that when the defendant's turn came, his solicitor said, "I have two more days " six or eight weeks hence; my witnesses will then be ready." I remonstrated, and said, "You are wasting the public time." The answer was, "I am sorry to put you to " inconvenience, but I am not yet ready." And there is no remedy; there is no means of compelling a man to go on; he wastes the public time for his own convenience. I think, on these grounds, it would be indispensable that some other mode should be adopted.

237. What do you think of this system which has been suggested, that the evidence on both sides should be by affidavit, except where the witness refuses to make an affidavit, and that both parties should be at liberty to cross-examine the defendants before the examiner and to examine the witnesses who had declined to make affidavit, with a power to the court in its own discretion to cause any of those witnesses to be examined again before the court at the hearing of the cause. That would diminish, would it not, the amount of the examination before the examiner?—No doubt; but it would, it seems to me, do this, which I was coming to as another point that is objectionable in the present system, and it would bring out this defect more strongly. The great defect of the present system as regards the mode of taking evidence, is the imperfection of the narrative of the examiner in showing the true effect of the cross-examination. Nothing can be more delusive than the examiner's narrative as to giving an idea to a party not present of what a party present knows actually took place. The examiner takes down, not what the witness says, and not what the counsel says, but he amalgamates as it were the questions and answers to form in his own mind a narrative, and that he must do without any time to consider, because he must do it quickly. That requires very peculiar qualities of mind which not every man possesses, and the result is that something is put in the examiners' language and not that of the witness, who is perhaps a very common man and expresses himself in a very different way, something which really does not give a notion of what actually took place. You may cross-examine a man in this way—"You said so and so in your examination in chief? Yes. Are you quite positive? Yes. "Will you say that upon your oath? Yes." You then produce a letter or writing and put it into the man's hand and tell him to read it. You ask him "Is that your handwriting?" He says, "Yes." He reads it and finds that it is directly the contrary of all he has been saying for the last quarter of an hour. He is taken aback, and he says he does not think he could have been right—he is not positive. If that examination were taken down by a short-hand writer we should have something like an accurate notion of the trustworthiness of the witness. But the narrative of the examiner is such a narrative as this:—I have looked at the paper writing marked "Q. Q.," and I am not quite positive that so and so was the case. In one sense that is the effect of the cross-examination, but on the other hand it really gives the judge no idea whatever of what took place; and it appears to me that if the proceeding which has been suggested were adopted with regard to a cross-examination of this kind, the very same evil would occur; it would break down in the precise point where we want it, that is, in truthfulness as representing the real cross-examination of the party. But to return to the mode in which the present examination is conducted; I think there is another evil, besides the loss of time in not attending the appointments, and that is the great loss of time in making this narrative. I have tried to make a comparison from my recollection of the time taken at *Nisi prius*, and of the time taken before one of our examiners, and I am certain that the examiner takes at least twice the time that the examination of the same witnesses would take at *Nisi prius* or with a short-hand writer; that is an enormous waste of time, and it appeared to me that it would be much more satisfactory to have a short-hand writer to take down question and answer, and to let it be read over when it has been copied out into a full transcript to the witness and signed by him. It would give certainly a more accurate representation of what takes place, and it would not take half the time upon the average. I am quite certain it would have a very beneficial effect in many ways.

238. In that case it would be necessary, would it not, when the cause was heard in court, to have a full copy of the short-hand writer's notes for the use of counsel?—Yes.

239. That would materially increase the bulk of the brief and the fees to counsel, would it not?—Yes; I should think it would double the bulk of the brief.

240. In the case of the Ludlow Charities that system was adopted in the master's office, and I think the examination filled five large folio volumes?—That was probably one of those exceptional cases in which the parties had a large fund to deal with, which would hardly occur in a private case. I could mention a case in which I was engaged, which was

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afterwards heard before Vice-Chancellor Kindersley, in which that system was adopted with very great satisfaction. The parties were satisfied with the representation of the evidence that was before Mr. Tinney, where we had I think six or eight days' examination, and where the bulk was not very large. I am quite sure that there was more evidence in that case than in nine cases out of ten in causes. I think we had eight days' attendance before Mr. Tinney with a short-hand writer—certainly six days. I believe that this is the system adopted in the Court of Bankruptcy, as well as before committees of the Houses of Parliament.

241. Do you remember what the bulk of that evidence was?—It was very large, but not excessive; and I recollect when we argued the case before his Honour, counsel did not read one-tenth of it; we just read the material parts, and it gave so accurate an idea of what took place that there was very little room for dispute.

242. Was each counsel furnished with the entire examination?—Yes.

243. And with a fee accordingly?—Yes.

244. And for the solicitor?—Yes.

245. Counsel could not do justice to it without reading the whole?—Certainly; they must go through the whole; the easiest way is to put it all in counsel's hands.

246. Is there anything further that you wish to suggest to the Commissioners?—I was going to say something about the power which the examiners exercise as to rejecting evidence. The examiners according to the present system have determined, I do not know whether it was intended by the Act, that they have a right to reject testimony on the ground that it is not in their opinion evidence. Now the result is this, that where certain testimony is tendered by the counsel of one of the parties and objected to, either by the counsel on the other side, or by the examiner, as not evidence, the examiner decides on his own view of the case and rejects the evidence, and the aggrieved party has no remedy; he cannot compel the examiner to take it down, and I have known him refuse to take it down. If the examiner erroneously rejects evidence I do not see how a party can obtain redress. I think that that ought not to be. Suppose the question was whether a certain communication was confidential as being between solicitor and client. There might be two opinions as to whether it was so or not, and I know no means whatever of correcting the examiner's decision if he is wrong. I think he ought to be compelled to take it down, and to let the parties have the opportunity of having it struck out when they got to the court, and not that the examiner should at first altogether reject evidence.

247. As to the relevancy of the evidence they do not determine?—No; which is probably a great waste of time and money.

248. Have you known many cases in which the examiner has rejected evidence and refused to take it down?—Not many; I have known it occur.

249. The right to require a solicitor not to tell confidential communications is the privilege of a client?—Yes.

250. And though the solicitor should be perfectly willing to state it, the client, if it be confidential, has a right to say that he shall not, and if that was once put down and reserved to the court below to strike it out in every case, even though the court should afterwards strike it out, might it not be a means of oppression in the hands of the opposite party, who by that means might make publicly known to the parties confidential communications seriously affecting the interests of the client in other matters, and which the subsequent striking out by the court would not remedy?—At Nisi prius if a difficulty arises on an answer, it cannot arise till after the answer is given, unless the party objects to answer, on the ground that the answer would be a breach of confidence.

251. Would not any objection be completely answered by requiring the examiner merely to make a note that such a question had been asked, and that he had declined to allow it to be put?—It is not the question but the answer.

252. Then the court would have that record and be able, if it thought fit, at the hearing to call on the witness?—That would do if it were stated that the difficulty arose by reason of the answer being objected to; and the same mode might be adopted in all other cases where the examiner rejects evidence.

253. That might be answered might it not, by requiring the examiner to make a note that such evidence had been tendered, and he had rejected it?—Yes; quite so.

254. Would he refuse to make a note of it?—The answer I have received was this: "I am here to take evidence; I do not consider that evidence, and I shall not take it down."

255. Did you ask him to take a note of his rejection?—Yes; but he said he was not bound to take a note of it, and he positively declined; I pressed him very much on one occasion. The only object is to have an appeal.

256. If that were apparent on his note, then, with the power which the court now has of examining any witness, could not that be done at once?—Yes, by notice to the witness.

257. Do you think that the witnesses could be examined in open court?—No, not with the present judicial staff.

258. It would require a great addition would it not?—I have no doubt of it.

259. And there would be considerable expense then in summoning witnesses in cases that might come on, but which in fact do not?—Not only that, but I should say that in a very large majority of our cases, that would not be necessary. We have not in Chancery the same conflict of evidence as at common law. At the same time I think that the examination of the witnesses before the judge who has to decide the cause is the best mode of taking evidence.

The witness withdrew.

Adjourned.

Tuesday, 14th March 1854.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

HENRY LAKE, Esq., examined.

Henry Lake, Esq.

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260. You have had some experience of the present system of the examiner's office under the new Act of Parliament?—I have.

261. We are very desirous to know your opinion upon it and what defects and advantages you find in it. What is your general opinion of it?—I think the system has failed; I think the delay is quite as great or rather greater than it was; the expense is ruinous, and I do not think that it has been more effectual in obtaining good evidence. In the first place the examiners are very much over-done with business, and perhaps that is the necessity of the case, as they cannot command their time. It happened to me the other day to be at the examiner's in a case; there were four different parties attending. A witness came, and all he did was to prove the draft of a deed and a bill of costs; and he brought his books to prove that the copy which he produced was an extract from a bill made out by a deceased partner. When that had been done, we were asked what there was to go on with next, the whole day having been set apart—there was nothing more, no other witness was there, and the rest of the day was lost. The examination did not take more than half an hour.

262. Who took out the appointment?—The plaintiff's solicitors.

263. How many witnesses did he expect before the examiner?—I think we had notice of two, one of some importance; that witness did not come.

264. We are informed that the failure to keep appointments occurs frequently?—Constantly.

265. Can you suggest any means of preventing that?—No; with the present plan I cannot, except to a certain extent by the risk of costs; I think it extremely difficult to hit upon any efficient mode of examination which shall be neither one thing nor the other. We know what the old system was, that of written interrogatories; we know the advantage perfectly well of *vivâ voce* examination. It seems to me that we have not now the benefits of either, but that we have the inconveniences of both.

266. Do you think that a fee upon taking the appointment would induce solicitors to have their witnesses there?—I do not think it would; the witness says he cannot come; practically there are various things that prevent it.

267. Is the witness the cause of non-attendance, or is it the solicitor not having taken proper means to procure his attendance?—As far as my own experience has gone it has been the witness. I dare say in certain instances it is the solicitor. It is not absolutely necessary there should be this inconvenience. If you have a cause at *Nisi prius*, you know that it will be lost if your witnesses are not in attendance, and the whole energies of the solicitors and parties are directed to getting the witnesses there by a particular day; but here, if from any cause a witness does not appear, you know that you can get another appointment and you do not take the same trouble.

268. Is not a witness liable to a penalty if he does not attend?—Possibly he might be liable to an action.

269. Or an attachment if he does not obey his subpoena?—I suppose he is; but it is much more easy to make a fresh appointment and examine the witness.

270. Does it occur to you that if a penalty were imposed upon every witness who did not keep the appointment, it would tend to cure that portion of the evil to which you are adverting?—It would have a tendency that way no doubt, but could not be effective.

271. But a penalty upon some would hardly be felt, and upon others would be very severe would it not, if you had a fixed penalty?—Yes.

272. Why should it not be put upon the same footing with regard to the appearance of a witness as at *Nisi prius*?—I cannot see why it is not; I think unless you do that you do nothing. If you have a particular day set apart on which all the witnesses are to be there and the cause entirely finished, that I can understand; but it is now assimilated to an arbitration. To examine under an arbitration was the most expensive system that you could possibly devise; this is worse than that, because there you only had one counsel on each side, here you have very often three or four for different parties. I have with me a note of a case in which the appointments, I see, were nine days; the actual time attended was only twenty-six hours.

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273. Do you mean nine whole days?—Nine whole days were taken. That is half as much again as the time appropriated to the assize business for the whole of the county of Kent. They give us six days for the whole business of the assize; and we had in this case nine days, out of which we only got twenty-six hours, and we examined fourteen witnesses, of whom five were merely formal.

274. That is rather less than three hours a day?—Yes. At common law we should have got through the whole in less than a day without difficulty.

275. Do you attribute that long time to a discursive mode of examination?—Very much.

276. Was it at all owing to loss of time by the non-attendance of witnesses?—Partially so. In one or two instances a witness did not come; but the examiner, I have no doubt, is not willing to exclude evidence; he cannot tell what may be its importance, and it is impossible in that stage of the cause to know.

277. He has not authority to do it?—He has not authority under the Act of Parliament.

278. Would it be possible to hear the witnesses in open court before the judge?—That is the cure for the whole thing, no doubt, if it can be done; but then you must have a considerable addition to the staff. It strikes me that the most effective cure would be this: With regard to a large portion of the business, it is not litigated business, it is business which is to a certain extent formal and administrative. I do not see why an affidavit or an examination on written interrogatories will not do quite as well for such cases as any other system which you can adopt; because you have not a contested question of fact, you only want to establish certain data about which there may be no dispute, or scarcely any dispute, and there I do not know but what the old system answers perfectly well. But in those cases in which a *vivâ voce* examination is required, there should be some precaution taken: for instance, a certificate of counsel that it is a proper case to be heard *vivâ voce*, and some security given if necessary for the costs of the proceeding; and then all those exceptional cases, and they really would be very few, should be heard in open court before the judge. *Vivâ voce* evidence before an examiner is really of no use.

279. What do you think of some such course as this, which has been suggested; that evidence should be taken upon affidavit in all cases, except where a witness refuses to give evidence by affidavit; in which case he should be subpoenaed to give evidence before the examiner; and that there should also be the power of cross-examining, which now exists upon affidavits, before the examiner; would that be an improvement?—I think it would be an improvement, but it would still be liable to the same inconvenience, as regards that particular witness, of a *vivâ voce* examination under the present practice.

280. With the power also given to the court whenever the court thought fit of having the witnesses examined *vivâ voce* before itself?—Yes, you must have that power in any case.

281. When the witnesses were examined before the court how would you secure the means of appeal; would you have the evidence taken down by the judge, or how?—Either by the judge or by some officer appointed by the judge, the same as at common law now; we are there obliged to rely upon the judge's notes; you must have the evidence clearly taken.

282. The evidence taken down by a short-hand writer is very often exceedingly voluminous?—Very.

283. So much so as hardly to be manageable?—It is.

284. And you would require briefs of the whole of it for counsel?—Yes; that was found very expensive in the winding-up cases. The evidence was all taken down by short-hand writers; the short-hand writers' notes came to something very heavy indeed.

285. That was a prodigious evil, was it not?—A very great evil, indeed.

286. We have been told of several cases in which the evidence so taken down amounted to a size which made it almost impossible for the counsel and the court to read it?—It was quite unmanageable.

287. The cases in Chancery, where witnesses are required to be examined *vivâ voce*, are generally speaking cases where there is a great amount of evidence given, are they not; such as, for instance, setting aside a deed on the ground of its having been obtained by fraud?—No doubt.

288. The motives and considerations which induced persons to enter into a family agreement?—Yes.

289. The evidence would be very voluminous?—No doubt; but that is just one of those cases which I think you cannot hear satisfactorily except by examining witnesses in the presence of the judge.

290. In a great many cases do you find practically, when you get the evidence from the examiner, that you have very little conflict of testimony?—Very little; much less than one would have any idea of.

291. In cases where there is no conflict of testimony the importance of hearing the witnesses in open court is very much diminished, is it not?—Very much; but even in those cases the expense of the present system is great.

292. Is it of great importance to mark the demeanour and the manner in which witnesses give their evidence, when they are at issue upon some material fact?—Yes, that

is one very important thing ; and another material matter, which occurs frequently at common law, is this : If you have a witness whom you do not know how far you may trust, the particular question is never put at all ; one sees occasionally a witness examined, cross-examined, and re-examined, and on going out of the box the judge puts the question which nobody else has ventured to put, and it settles the point perhaps in two or three minutes.

293. Has not the examiner the power of doing that, and does not he do it?—He has the power of doing it no doubt, but he has not the benefit of knowing the exact point in the cause ; the case is not opened to him.

294. How much shorter do you suppose evidence would be if it were given in open court than it is before the examiner ; would it be diminished by one-half?—Very much more than that.

295. The examiners are employed upon the average about four or five hours a day, are they not?—Yes, from eleven till four, I think.

296. During the time that the court sits?—Yes.

297. Within what time do you think that the court would hear that evidence upon the hearing of the cause?—As far as my experience goes, I should think from one to two hours easily, and probably less.

298. How would you provide for this difficulty. When you take evidence before the examiner the witnesses know when they are to come up?—Yes.

299. But if you took it before the court, you must have all the witnesses in attendance in all the causes to be heard, must you not?—That would be no worse than it is now at common law. But my impression is that you would find the cases very few indeed, and that the judge would find no difficulty in specially appointing any cause which required *vivâ voce* evidence ; it would be the exception, and not the rule.

300. The number of cases in which *vivâ voce* evidence is now given before the examiners seems to be something like one-fourth of the cases that are heard in court?—I should have thought that the proportion had been smaller. There is no safeguard now at all ; *vivâ voce* examination before the examiner is becoming, and probably will become, much more general.

301. What is the reason of that?—I hardly know ; perhaps one does not think much about it ; there is less responsibility on the part of the solicitor.

302. Is it not also partly occasioned by the feeling of the parties that they can get at the truth by a *vivâ voce* examination better than they can upon written interrogatories without any cross-examination at all?—That may have something to do with it ; but I think there is a feeling of disappointment in that respect. That was the first feeling unquestionably. I should not myself now be inclined to examine *vivâ voce* unless there were some point really involving a conflict of testimony.

303. In the great majority of cases there is no examination *vivâ voce*?—I believe it is so in the majority of cases.

304. According to the old system, did it not sometimes happen that, as the party did not know what answers had been given to the interrogatories which had been put, there was a great deal of accumulation of evidence which was unnecessary, the point being proved by innumerable witnesses?—It was so, no doubt, sometimes, but not to the extent imagined. I do not recollect, in my own experience, that I ever had more than one case which thoroughly broke down under the whole system, and that did completely.

305. From what cause?—From a defect in taking down the evidence.

306. Under the old system you were obliged to prove the same thing by three or four witnesses, because you could not tell which one would prove it?—Yes, that was the case.

307. Do you think that the system of cross-examination upon affidavits has had any useful effect in making affidavits more cautious?—I think it has.

308. Do not you think that considerable benefit has arisen under the new system from the advantage of being able to interrogate the witnesses by the opposing party?—I think that whatever advantage has been obtained has been more than counterbalanced by the evil of it, because really the advantages are not so very great after all. They would be very great indeed, if the tribunal before which the evidence was taken were the tribunal to decide the cause ultimately ; but the fact of taking down the evidence in writing leads to this result occasionally. The witness makes a statement in his examination in-chief ; he is cross-examined and he says something which does not exactly tally with it, and when he reads his evidence over, to sign it, he sees the blot. He says, “there is some mistake there. I did not mean this ;” or, “I did not mean that,” and he corrects his evidence. The court does not see the real way in which the witness gives his evidence, and thus lose nearly all the benefit of the *vivâ voce* examination.

309. But the two answers still remain, do they not?—Not always.

310. Then, in other words, the full benefit of cross-examination *vivâ voce* is not secured by the present system?—I think not decidedly.

311. Unless it were taken down in short-hand?—Then it would be secured. The evil then would be that you would get it overwhelmed with so much rubbish, if I may use the expression.

312. But that particular objection would be cured, would it not?—Clearly.

313. If you had it in short hand, and saw the questions and the answers, you would then know exactly what the witness had said?—Certainly,

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314. The examiner now reduces it into a narrative, does he not?—He does.

315. Which, we presume, does not show you exactly what the witness has said, particularly in cross-examination?—No, it does not.

316. But still the statement made in-chief and the statement made in cross-examination are there, are they not?—Yes; but they are very often made to tally.

317. When you say “made to tally,” how is that. Does the examiner alter the statement?—The witness, on reading it over, sees his mistake.

318. But would not the examiner leave his record of what had been said?—No. He would allow the witness to alter it.

319. According to the evidence of Mr. Parker and Mr. Otter, they stated that they did not allow the witness to alter it. They stated that they allowed the witness to explain the question?—It may arise in this way. The witness says, for instance, “I did not intend to say” so and so. The examiner says, “very well, I may have taken it down wrong, I will alter it,” and he puts the question again, perhaps, to the witness. Of course, the witness would not still persist in his former statement, if he had contradicted himself.

320. If he corrected himself immediately, well and good?—I am speaking now of when he corrects himself on reading it over.

321. If the examiner recorded his first statement, and recorded also his statement on cross-examination, and if the witness explained afterwards anything that he thought fit, in order to reconcile the discrepancy, would that result be anything more than what is done by counsel on the re-examination of a witness to set him up?—No; but then the judge who hears it sees perfectly the manner of the witness, and can detect immediately whether he is an honest witness, or whether he is fencing with the question. You do not have the benefit of that under the present mode of examination.

322. But you have the benefit of seeing how the correction is made in writing, have you not?—I do not think it appears upon the notes. It is very difficult to remedy the evil; because the witness may, perhaps, say that the examiner has not taken down the answer as he expressed himself: then, it is an appeal to the examiner that he may have misunderstood the witness.

323. Does it not come somewhat to this: that if the examiner is satisfied that it is his own mistake, he corrects it; but if he finds that it is an erroneous statement of the witness, he keeps it upon the paper?—It is so.

324. Might not it be set right by the examiner, unless he was satisfied that it was a mistake of his own, by keeping what was stated by the witness in-chief, keeping also what was stated in cross-examination; and then, if the witness was re-examined or desired to correct anything, having him re-examined on oath and stating what he said upon his re-examination. Would not that meet the difficulty?—To a great extent it would, no doubt. It would not supply the demeanour of the witness.

325. With regard to the demeanour of the witness, have you ever known any instance in which the examiner has made any note upon the evidence as to the demeanour of the witness, in order to draw the attention of the court to it?—No. I never heard of it.

326. If he declined to answer, or if he was shy of answering and was obliged to be pressed, would not the examiner notice it at all?—No; I think not.

327. With reference to one of the inconveniences which would arise from examining the witness in the court at the hearing of the cause, one inconvenience suggested was, that then the judge takes a note, and if the case goes to appeal, the appellate court has not the advantage which the court below had, of hearing the witness give his evidence from his own mouth. Then, it was stated that the judge's note would be no guide to the appellate court as to what the witness had really said. Is it not the fact that at common law, where the judge's note is made use of with regard to a new trial, very frequently the judge's note is extremely unsatisfactory to show what took place at the trial?—It is so occasionally; still, in the main, it works very well.

328. But is there not this difference, that at common law the judges only reconsider the evidence sufficiently for the purpose of determining whether there shall be a new trial?—Yes.

329. But if it is in Chancery, the Court of Appeal has to determine finally upon it?—Yes.

330. And can they do that safely; can they safely reverse the decision of the court below, which depended upon the testimony of the witnesses, in which it was very material to have seen them examined, without themselves taking that evidence over again?—I think, in the first place, the cases would not be very numerous which would depend upon mere oral testimony; but, in the next place, the court might examine any particular witness again whose evidence was unsatisfactory. But, after all, it is only a choice of evils; you cannot get any system which is absolutely perfect. You might have a short-hand writer attached to the court, who might take notes of every case, but not put the parties to the expense of a transcript, except where the Court of Appeal may find it necessary.

331. There would be a very great expense in the case of hearing the witnesses over again in the Court of Appeal?—No doubt.

332. And it would make it necessary to have an additional Court of Appeal, probably?—I should think not. If you consider how many cases are determined, and how small

a proportion of those cases are appealed from, and then see how few even of those will depend upon any conflict of oral testimony, you will find that really the matter will be diminished within very small limits indeed.

333. The Master of the Rolls finds that the majority of the cases appealed from him are cases depending upon oral testimony?—But the number will be found to be very few.

334. One case raised the question whether a person had been induced to become a partner in a lead mine in Wales by undue representations. The evidence had all been taken in writing. It was a mere question of evidence. It took five days before the Master of the Rolls, and six days before the Court of Appeal. If that evidence had been taken orally, we apprehend it would have taken at least three times the time?—I do not think that it was ever known that a case in a Court of Common Law exceeded eight or nine days, however important.

335. Is not the reason of that, that at common law, in point of fact, except in cases which come out of Chancery, or cases analagous to them, such as the question of *Devisavit vel non*, they have a short and simple issue, and that the cases in Chancery involve a great deal of evidence upon a great number of issues?—No doubt it is so to a great extent.

336. You have had very considerable experience in Chancery suits. In your opinion, do not the cases in which personal examination of the witnesses is necessary bear a very small proportion to the general number of cases?—Very small.

337. Then do you think that a scheme of this sort may answer: That it shall be competent to the parties, through their counsel, to suggest to the court, in certain cases, that they wish the witnesses to be orally examined?—I have suggested something of that kind; and that you should have the protection, either of the certificate of counsel or by security for costs.

338. The certificate of counsel that it is essential to see the demeanour of the witnesses?—Yes, that it is essential to the ends of justice that the particular case should be determined on *vivâ voce* evidence.

339. Supposing counsel certified it in every case where the solicitor told him that he thought it important?—But I should hope counsel would not do that.

340. How could he avoid it?—Counsel draws the bill; he advises upon the evidence; he has the whole case before him.

341. He does not know the witness, does he?—He would know whether the case was one likely to depend upon a conflict of testimony, and should not lightly give a certificate unless it was so.

342. If the solicitor told him, "My client wants to see the witness in court; it depends upon the evidence of this witness," he would not only properly, but necessarily say, that the evidence should be taken in that way; would he not?—I think he should form a judgment himself whether the case was likely to turn upon that. If he was the sole witness to the execution of a deed, and the case was likely to turn upon the question of fraud, for instance, it would be important. In other cases it would not be so from the mere fact of the solicitor saying so.

343. Suppose the solicitor told him, "I think this man may know something about this transaction; it is very desirable that he should be cross-examined; we can know nothing about it except by cross-examining him?"—I do not mean to say that the certificate would be a perfect guarantee. I consider it would be a considerable safeguard to have, first, the certificate of counsel, and next, a rule to throw the costs of a *vivâ voce* examination on the party who shall ask for it unnecessarily.

344. A rule with regard to costs in many cases becomes unavailing, from inability to pay them. What do you think of taking the evidence by affidavit with the power of cross-examination before the examiner, upon the affidavit, and of his taking the evidence of witnesses who refused to make affidavits; and then that the power should rest in the court, at its own discretion, to hear the witnesses *vivâ voce*, not *ex debito iusticiæ* upon the certificate of counsel, but if the court thought it desirable?—It would diminish the expense, but it would not dispose of it, because when you got the witness before the examiner upon the affidavit, you would still get very wide upon cross-examination and re-examination.

345. Practically, would there be much cross-examination upon affidavits?—If the witness come up at all, he would be sure to be cross-examined.

346. If a witness made an affidavit, would you be practically much disposed to subpoena him to be cross-examined upon that affidavit?—I do not know that I should, particularly if I were obliged to subpoena him at my own expense, and did not get the costs of it without some good reason shown.

347. At present it is at the expense of the party upon whose behalf he is brought up for cross-examination; is it not?—That is so.

348. It is only the expense of producing the witness?—That is all.

349. In the case of trials at Nisi prius do you think that great accuracy, in taking down the evidence, on the part of the judge, is necessary in any cases except where a new trial may be moved for, because the verdict is against evidence; for instance, in questions of law?—You can hardly tell in what cases a new trial will be moved for.

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350. Is not accuracy on the part of the judge in taking down his notes specially requisite where a new trial is moved for because the verdict was against evidence, and not upon questions of law?—Yes, certainly.

351. Therefore, in the great majority of cases, it turns out that extreme accuracy on the part of a common law judge is not required?—No; because practically we hear nothing of it, except where a new trial is moved for, which is only in a small number of the cases.

352. The great majority of new trials are upon points of law, and not because the verdict is said to have been against evidence?—Certainly.

353. Comparing it with the evidence taken down by the judge in Chancery cases, would not much greater accuracy be requisite in the latter case?—Yes, I think it would; that is to say, there would be a greater number of cases depending upon questions of law and fact together.

354. Supposing an issue has been directed out of Chancery, and after trial and verdict motion is made in the Court of Chancery for a new trial, the theory is that the judge in equity proceeds upon the notes of the judge who tried the issue. Have you not found that, practically, the parties, their counsel, and their solicitors, in the course of the argument of the motion for a new trial before the judge in equity, endeavour, as much as possible, to resort to the short-hand writer's notes, as giving a better idea of what took place than the judge's notes?—No doubt.

355. Is not that because the judge's notes do not, very often at least, sufficiently represent what really took place?—I imagine it to be because the judge cannot take down all. He takes down what strikes his mind as the most important salient points. He does not take down every word; then, perhaps, some of the solicitors or counsel employed fancy that some other part of the evidence is important; and they refer to it in the short-hand writer's notes.

356. Have you not found rather a disposition, notwithstanding the theory of the thing, on the part, not only of the counsel and solicitors on each side, but of the judge himself, who is hearing the motion for a new trial, to allow the short-hand writer's notes to be used?—I think not at common law. In this court it is so.

357. The question relates to equity?—I should say it is so in this court.

358. Do you not think that the mechanical operation of first of all digesting into a short shape, and then writing down the evidence given by the witness, tends to distract the attention of the judge from the point to which the evidence goes, and to make him less competent while he is performing the one operation for the other, and the more important one?—No. I imagine that in this court, for instance, you will examine the witnesses first; and then you will address your mind to the argument of the case afterwards. Perhaps I did not quite understand the bearing of the question.

359. The question refers to a trial at law, where the matter depends upon the evidence of facts. Do you not consider that the judge, having the function of digesting into shape, and writing down by way of note the result of the evidence, is, while he is doing that, less qualified to judge of what the effect of the evidence is which is given?—I should rather say not. As I said before, we often see at common law, when you have a witness in the box who has been examined for two or three hours, and nobody has put the exact question, the judge, before the witness goes down, will put down his pen, and stop him, and ask him two or three questions, which will put the matter right directly. He is quite fresh; it does not seem to have distracted his attention at all or wearied him. I have no doubt it is a question entirely of habit.

360. Have you any suggestion to make respecting the system beyond what you have stated?—No. I think I have said all that occurs to me. I think that the difficulty is in getting any system between the two, and that you will do no good unless the witness is examined before the judge who is to decide on the evidence.

361. Do you think that this system extracts the truth?—I think it does to the examiner. The difficulty rather is in conveying that truth to the court afterwards. I think the truth often gets disguised before it reaches the judge, and that the expense is very great.

362. When it reaches the judge do you consider that it does not elicit the truth as presented to the judge's mind better than the old system upon interrogatories?—I think it does better than that; but I think the inconveniences overbalance the benefits, because the benefits are only in a few cases, whereas the inconveniences are almost in all.

363. You have some papers before you. Have you any cases to which you were going to refer?—I merely noted down the case which I mentioned before, in which we had nine different days.

364. What was the name of that cause?—C— v. K—.

365. Over what period of time were those nine days distributed?—The first appointment was on the 21st of November; and the last was on the 6th of March.

366. Do you find from the length of time, and the intervals between the examinations, that the parties are able to shape their evidence so as to get over anything awkward which has come out in a previous examination?—There is no doubt that a solicitor of activity would naturally do that if he found his case breaking down.

367. Practically have you found it exist?—I cannot say practically that I have; but, of course, it must have that effect. Individually, I have had no case in which I have seen it.

368. It is an obvious idea which occurs to one?—I am quite convinced about it.

369. Was not there the same evil before arbitrators?—Yes. In our branch of the profession I should say that the most expensive and most unsatisfactory tribunal was arbitration. You will find that you can try many a case at Nisi prius for less money than you can examine witnesses here before the examiner. *Henry Lake, Esq.*
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370. How many counsel have ever been present at an examination. What is the greatest number which you ever had?—I have not had a case in which more than two have been present; but I have heard of several in which three or four, or five, have been so. There were four solicitors, for instance, in the case that I alluded to, but only two counsel.

371. Have you made any calculation of what the expense would be of eight or nine days compared with the expense of taking the evidence under the old system by interrogatories?—I cannot at the moment say; but it can be furnished. I can work it out at home; and send in an estimate of it, because the case is in our office.

372. Will it give you much trouble?—Certainly not.

373. It would be very desirable. Will you be good enough to work that out?—Yes. In that case I believe the examiner will tell you that he was very anxious to get us on in every way he could; and he was kind enough generally to give us two days in succession.

374. Who was the gentleman?—Mr. Kenyon Parker. The case has broken down completely; and, I believe, Mr. Parker was aware of it. He did all he could to get it on.

375. The case broke down for the plaintiff?—Yes.

376. Has that case proceeded further?—We have had a verbal intimation that it will not be gone on with.

377. We have found that in several cases the examination before the examiner, when the parties have seen what the evidence is, has induced one party to give way. Have you seen anything of that?—I think in this individual case it had that effect.

378. Have you seen it in any other case?—I have not.

379. Mr. Otter stated this to us:—that from February 1853 to March 1854 he had taken evidence in ninety-three causes, and that of these ninety-three, the evidence had not been taken away in twenty-five; and that, in consequence of that, he thought it very probable that most of those had been settled?—It is a reasonable inference to say that most of them were settled, but the result might have been the same under the old system. If you took your evidence before the examiner, and found that your witnesses could not support your case, of course you would go no further.

380. If you did not examine them till you came into court, of course you would have all the expense of the briefs to counsel?—But I think that expense would be very little, if any, more; because now you have all this case before the examiner, which is quite as heavy, or more heavy, and you have the same expense over again when the cause is heard.

The witness withdrew.

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381. You have had a good deal of experience of the present system of examination before the examiners in Chancery, have you not?—No, I have not.

382. You have had some?—But little; I have had one case of some little moment lately tried before Vice-Chancellor Wood, but only one.

383. Have you had opportunities of knowing how it has worked?—Yes, in that particular case, I attended to it throughout myself.

384. Have you formed any opinion respecting the disadvantages or advantages of it, over the old system that prevailed in Chancery?—I think it is fairer than the old system; it is better but dearer than the old.

385. Do you think it extracts the truth better than the old?—Better than the old, certainly.

386. It now sometimes leads to a great amount of expense?—Very considerable, and delay.

387. It now happens, we are informed, that in a heavy case the evidence will occupy nine or ten months in taking?—I have no doubt it will. In the case I referred to, which was a very light one, throwing out the long vacation, I should think it took four or five months.

388. What was the name of the case?—M.——— v. E———. The question was whether a marriage settlement which had been prepared had ever been executed or not. Both husband and wife were dead, and it was a question whether there was evidence to presume the execution of a settlement which had been prepared and engrossed.

389. It was a contested case, of course?—Yes; but not really contested upon the facts, about which there was no doubt; that there had been a settlement prepared and engrossed, and a stamp put on; and that it had been taken to the place where the marriage took place, and that both the parties were dead. There was no real contest upon the facts which were proved, though there was a very determined contest as to whether it was to be presumed or not that the settlement had been executed. The evidence ultimately ran over

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sixty-seven folios only ; it took eleven hours at different times of the examiner's sittings to take it. It was attended by one counsel on each side ; and it has cost, I have no doubt, very nearly 100*l.* for taking that sixty folios of evidence— between 70*l.* and 100*l.* I think the fees to counsel cannot have been less than fifty guineas. I am throwing aside in that statement the expense of bringing the witnesses to town, which would have been equally required if it had been taken orally before the court ; I mean that it cost from 70*l.* to 100*l.* to take that evidence before the examiner beyond what it would have cost at common law, where we should have taken the witnesses into court ; and eleven hours were occupied in doing what would not have taken one hour at common law.

390. When was the first appointment ?—The 12th of July 1853. I think there had been something like a month or six weeks before we could get that. The adjournments to some extent were for the convenience of witnesses, I have no doubt. The last appointment was in December 1853.

391. With the long vacation between, but not a heavy case ?—No ; only sixty-seven folios of evidence.

392. In that case ultimately there was not a fact in dispute ?—Not a circumstance.

393. Could not that evidence have been taken by affidavit ?—I have no doubt it could.

394. And the practice of the court would have allowed it ?—Certainly, if the parties had been satisfied ; but the plaintiff, who ultimately succeeded in the case, and against whom the settlement was set up, I do not think would have been satisfied without having some examination of witnesses.

395. Do you think if it had been imperative upon the parties to proceed at first upon affidavit, the other party would have still required to cross-examine the witnesses ?—No, I think not ; I think the case, when it came out, was so obviously true that he could not possibly have asked for it.

396. There was nothing in that case which depended upon seeing the character of the witness produced ?—Not at all. It was the inference to be drawn from the evidence which the whole thing turned upon.

397. What do you think would be the result of having the witnesses examined in every case orally in open court ?—I think it is very essential to justice, and a very great saving of time and expense to do this whenever it becomes necessary to have an oral examination. I have been making a little calculation in my own mind in a case which came before the Master of the Rolls, about a supposed forgery of a receipt. As far as I can make it out, the taking the evidence over again, and I think I may safely say, that the judge never would have been satisfied unless he himself had examined the witnesses in that case, although they had been examined in great detail by his clerk, I think the bringing the witnesses to town and examining them over again cost 100*l.*, though it was only from Cambridge ; that was a case eminently of contested fact.

398. The expense before the Master of the Rolls was the examination of the witnesses in court in substance ?—Yes.

399. Was the expense in that case 100*l.* ?—The expense before the Master of the Rolls was 100*l.* To have examined before the Master of the Rolls first would have saved the cost of the examination before the Master of the Rolls's clerk, which probably would not have been above 50*l.* or 60*l.* But then the witnesses travelling to London, and stopping and being examined several times, cost a great deal of money.

400. The examination before the clerk is analogous to the examination before the examiner ?—It is much dearer before the examiner, because before the clerk there were no counsel. In the case I have referred to of *Macdonald v. Every*, the counsels' fees were heavy. If it had been in a Common Law Court, I should have given no more fees if there were witnesses to examine than for arguing the case before the judge in court without the witnesses ; but if you have counsel four or five different days at the examiner's office to sit there several hours, fifty guineas extra are soon expended.

401. In the case before the Master of the Rolls what you state is strictly true ; that he was not satisfied at all with the evidence as stated to him by the chief clerk, and thought it essential to see the witnesses himself. There were two examinations of witnesses before the Master of the Rolls, were there not ?—Yes.

402. Upon the first occasion he thought further evidence was required to enable him to come to a satisfactory conclusion ?—He did.

403. And when the further evidence was brought forward, it cleared up the case so completely that you, who were solicitor for the party against whom the Master of the Rolls ultimately decided, were satisfied in your own mind that there was no doubt about the case ?—Quite so. I was satisfied that there had been a fraud committed by my client, and so was our counsel also.

404. The result was, that there was an expense of two hearings before the Master of the Rolls, and the witnesses had to come up on two separate occasions ?—Yes. And there was a different set of witnesses on the second occasion ; I think entirely new witnesses. I think it was no important extra expense, being part heard the first day. It is just what I apprehend would take place in all cases of hearing before the court ; that if the court found, upon the examination of witnesses, special circumstances involving other persons, whose names perhaps had not been referred to in any way before, it would order the case

to stand over, and further witnesses to come up, and then the truth would come out. *Edwin Field, Esq.*
There were facts brought out before the Master of the Rolls himself on the part of the plaintiff which he was not aware of himself until the examination, and which were the facts that convinced us that the plaintiff's case was right. 14th March 1854.

405. If it were strictly analogous to the case of a trial at *Nisi prius*; if the witnesses were not all produced at the first hearing, there would be no means of remedying it?—No.

406. The court or the jury must decide then and there?—Certainly.

407. So that, if it was adjourned, there would be an additional expense if you took it as exactly analogous?—Certainly.

408. Supposing, illustrated by the case you refer to, which is a very good instance, the evidence had been a little more obscure, and you had not been satisfied that justice had been done to your client by the decision of the Master of the Rolls against him, you could have appealed that case to the Lords Justices. Should you have been satisfied, or could they have been satisfied with the Master of the Rolls' statement of the evidence, without hearing the witnesses themselves over again?—I submit that if you were to take the analogy of common law, I should not have been allowed to appeal in such a case as that. The question in issue was a pure question of fact, whether, in fact, a receipt for interest on a mortgage produced by my client, the mortgagor, really bore date in one year or in another; whether, in fact, himself or some one else had altered the date, as against a deceased creditor, so as to make out that he had paid the interest on his mortgage many years later than the creditor's executors admitted he had, the creditor's books being kept undoubtedly in the most irregular way possible. That was the case. In a case of that sort you would not get an appeal in any way at common law to a higher court. To try a question of that kind, which is a pure question of fact, you could only get a new trial before the same court on the judge's notes.

409. In the case which you mention there was practically an appeal from the clerk of the Master of the Rolls, who heard the evidence, to the Master of the Rolls. He was not satisfied, and he heard all the witnesses over again. Would not this dilemma occur, either that such a case could not be appealed at all, or that, if it was appealed, the court of appeal must hear all the witnesses over again?—Certainly.

410. You would be of opinion, as we understand, that the better course in those cases would be to make the decision of the first court final?—Subject to some application, such as for a new trial, or something of that kind. To re-hear questions of mere fact like that I would not allow an appeal in equity more than is now done in common law, but I would allow an adjournment, at the judge's instance, for new evidence, both in law and equity. And I would say that, except in a case of that kind, it would rarely happen that we should not have all the witnesses ready, as we have at common law. It is not often; unexpected evidence would be wanted only in a very difficult case of that sort. There were very strong oaths by my clients about the accuracy of their receipts, and the clerk had decided solely upon the inspection of the receipt; the Master of the Rolls was not satisfied with that view, and, if there had been no other evidence, I think I may say he probably would have decided in favour of our appeal, but further evidence came out upon the further investigation before him.

411. Was not a considerable part of the expense in that case incurred in consequence of the witnesses being detained in town before the court could hear it?—No; we were not a quarter so long before the Master of the Rolls, though we took a great deal more evidence before his Honour than before his clerk; and it is one of the greatest difficulties of the present system of examination, that the evidence is being taken for another mind, as it was before the chief clerk, because he knew very well that we should appeal from his decision. Of course, when you are taking evidence for another mind, you must state it at very much greater length. The judge himself would say—"That point is proved, go on to the next," an examiner would not.

412. Was a day appointed for the attendance of the witnesses?—It was, after the rising of the court, and his Honour examined a considerable number of witnesses. There was a short-hand writer present, and that made a great difference. I do not think it occupied two hours.

413. As a general rule the court would have to hear the causes in succession; it could not appoint a fixed day for particular causes?—I do not think you would find that above one cause in one hundred would have any oral witnesses; I should say not one in two hundred.

414. That is the result of your experience, that a very small proportion of causes require oral testimony at all?—Just so. In the bulk of Chancery cases there is no contest of fact. Where there is, the orders for production of documents almost always produced all the evidence material for the hearing. This case of *M— v. E—*, I think would not have had it; and I must say that there are a great many cases in which I think, either from spite or from no objection to increase the costs very considerably, oral evidence is taken where it should not be done. As long as you insist on only allowing the profession to be paid for steps and folios, and not for conclusions, this must be so. The mode of pay lies at the bottom of every evil of the court.

415. What do you think of such a system as this: that the rule of the court should be that all evidence should be taken by affidavit; except that in every case the deponent

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should be produced to be cross-examined, in case the party wished it, before the examiner; and only witnesses produced to be examined before the examiner who positively refused to make an affidavit, and then at the risk of not being allowed their costs of attendance; and this followed by a power to the court, and a duty to be exercised by the court, in all cases where it thought fit, of having the witnesses examined orally upon oath before the court?—I must confess that I think the court ought to hear the witnesses in all cases, if the parties wish it. In the first place, I think it very material, as the whole course of the law is going now, as far as possible to assimilate the practice of the common law and equity. I cannot doubt that not many years will have passed by before we find that the public will have a much greater union and fusion of the whole system, and the first step towards it is to try to assimilate the modes of procedure. I would put them on penalties as to costs; but I think if parties desire the witnesses to be examined before the judge, they should have power to do so, taking the risk of costs. It is absurd that in the same country a common law judge should require everything, however uncontested, to be proved orally; as, for instance, the posting the notice of dishonour of a bill of exchange; and that he will read no affidavit whatever; and yet that an equity judge should positively refuse to let any witness, however important, come into his presence, and insist on all being on affidavit.

416. Would not exactly the same motives which induce parties to wish witnesses to be examined before the examiner, induce them to wish that they should be examined before the judge?—I think it need not be so. I think the judge has powers which would operate in that respect; and that the general bearing upon the case would be quite sufficient as regard that matter. He must take care that it is not more profitable to the profession to examine one way than another. The mode of pay is the root of these evils.

417. If the evidence were taken upon affidavit in writing, an appeal would be easy to a higher tribunal, but if the evidence were taken orally before the judge an appeal upon a question of fact, as you have already stated, would practically be either impossible or enormously expensive?—No doubt it would be so, excepting with this qualification, that the evidence taken before a judge would be all reduced to writing by himself, or by a short-hand writer, or by some one; and in most cases a question of fact would not arise. With very few exceptions there is no doubt of a man's testimony, but the question is the effect of that testimony; and in all those cases the appeal would be taken, I believe, without a fresh examination.

418. If the evidence is taken before the judge orally, must it not be taken down either by the judge himself or by a short-hand writer?—A short-hand writer I should think.

419. Do not the short-hand writer's notes become so voluminous in heavy cases as to be almost unmanageable?—It is no doubt not so convenient as evidence taken in the other way.

420. You have had a great deal of experience in the winding-up cases; have not you found a very considerable inconvenience from the voluminous mass of evidence taken by the short-hand writer in those cases?—I have no doubt, and in very many of the cases I thought that the masters did very wrongly in allowing the evidence to be taken in short-hand, they have done it a great deal more than they ought. A great deal of the evidence that would be taken in court need not be taken down at full length. The result of a great deal of the evidence might be at once entered short, because really as to the bulk of it both parties would be satisfied with the short result. If we take either this case of *M——— v. E———* or the case before the Master of the Rolls, that case eminently is a good case to try it by. Except the mere oath of a man who swore that he had paid the money at the date which the receipt bore at the time it was produced, there was no person that one would want to question in case we had appealed on the facts. It was necessary, for once, to hear the evidence, but when it was heard there was no question about any other part of that evidence.

421. How could you tell at the time whether it was necessary to take it down *in extenso* or in a short form?—I could not tell at the time, but the point is as to the transcript, the difficulty is not the taking down. There would be no need for transcribing more than a few words in almost any case. No doubt if our pay is still to be made to depend upon the quantity of paper which is consumed in transcript it will all be transcribed; but whenever you alter that and put the pay of the bar and solicitor on a true basis, I do not think you will find a difficulty from the source you are considering.

422. If the duty of taking the evidence were added to the present duties of the court an additional staff of judges would be necessary, would it not?—Probably. But the extra cost to the public of such examinations as in *M——— v. E———*, judging from the little I have seen in the last six months, would pay the salaries of as many more judges as you could want; they would be more than paid by your saving the increased expense of examinations before the examiners and before the country commissioners.

423. You were suggesting the idea of the desirability of assimilating the practice in the Courts of Equity, with regard to the examination of witnesses at least, to that which prevails in a Court of Law?—Or *vice versa*. I said getting the two alike.

424. With reference to the examination of witnesses in a trial at law, the trial takes place at the assize town?—More in London—three or four to one I should suppose in London; if you put Liverpool out of the question certainly.

425. Speaking of where the witnesses reside in the country, is not the trial generally more or less in the neighbourhood of the witnesses ; is not that the theory in fact of a *Nisi prius* proceeding ?—It is very common indeed to bring the witnesses from Liverpool to London, and try it up here now ; but, however, it is of course still done a great deal. *Edwin Field, Esq.*
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426. The venue would properly be at Liverpool, would it not ?—Yes ; the venue would. But I think if you can save five or six months' delay and get it settled, unless there is a very great number of witnesses, it will be generally very much cheaper to bring them to London and make an end of it once for all.

427. Is not a very considerable portion of the expense of a trial in London, whether it be a trial at common law, or still more an examination of witnesses before the examiner, occasioned not only by bringing the witnesses up but by keeping the witnesses here ?—I think not before the examiner. It is so a good deal at common law, because you are not sure when your case will come on. With the very small quantity of oral evidence which we should want in Chancery, I cannot but think that without much disarrangement of business of the court there would be no difficulty in having a time fixed for it. Before the examiner there is not so much expense incurred, inasmuch as he adjourns from month to month, and so as to suit the witnesses' convenience. He takes so many witnesses at a time, and if he does not finish the matter he adjourns it ; you only bring up as many as are likely to be got through with.

428. If the witnesses were examined by the judge at the hearing of the cause, would it not constantly happen that you would be obliged, supposing there were six causes before him, to keep the witnesses in the rest of those six causes in London, who might have been brought up from a distant part of the country many days before those causes happened to come on for hearing ?—If the judges insisted upon taking them in the same order as now ; but if they were to do what was formerly done as to further directions, make separate papers of those cases in which there was to be an oral examination, I think you would not have the same trouble.

429. Supposing you excluded from the paper on certain days all those causes excepting those where witnesses were to be examined orally ?—If you were to put one of those at the top of the ordinary paper each day you would have no difficulty then.

430. Would it not often happen that there would be a part-heard cause which would go on and occasion the keeping of the witnesses some time ?—That might occasionally happen, no doubt ; but if the court is now asked to fix a cause to suit the convenience of parties from the country, it most probably does so to a great extent ; and it is the same with witnesses as with parties. To satisfy people with the mode in which business is done is almost as important as really to do it well.

431. Inasmuch as the Court of Chancery has not merely to hear causes ; but, besides that, every week in term there is a motion day ; every week a petition day ; and every week a short cause day ; would not the necessity of taking that business entail the necessity of keeping the witnesses very often in town for a very considerable time ?—I do not think it would. I think if the court began to examine witnesses, they would be examined much more on motions than on causes. I think you find them examined much more on injunction cases than on almost any other cases. Those are the cases in which there are the most contests of fact.

432. Would you propose to examine them orally upon injunctions ?—If the parties required it I would, at their risk as to costs.

433. As a matter of right ?—Quite so.

434. As a matter of right, at the instance of either side ?—Certainly, subject to the payment of costs. In hearing causes by motion, there is really very little difference now between a motion and a hearing for those purposes.

435. Practically, upon the hearing of a motion for an injunction, is there much direct contest in evidence ?—Often, certainly, as to waste or a matter of that kind ; but, if any question arose upon this, if it ever came to be taken into court, we should find that in some way probably, the whole of the evidence would be dispensed with ; for, we know that it is of very little moment, inasmuch as the case is sent to law before anything is done upon it. But, I have no doubt that a great deal of written evidence would be saved by there being such a practice ; it would lead to getting rid of a great deal of that affidavit evidence which is taken, and really never used at all. I wish also to state that a practice of calling before the judge one or two of the chief witnesses (or parties), particularly in injunction and other such important preliminary motions would, I believe, often lead to a cause being at once disposed of. If the judges felt it more obligatory to seize the first opportunity, at a sacrifice of the ordinary practice and devolution of a suit, to get to the bottom of and put an end to a cause, they would be greatly improving the court. A suit is at times only one move in a larger campaign of annoyance and extortion, and its pendency, without reference to result, acts in that way. The proposed practice of oral examination before the judge might do much to meet this, and also to effect what courts of reconciliation are said to do.

436. Referring to the case to which you alluded, the witnesses were Liverpool witnesses, were they not ?—They were.

437. Can you give us any comparative estimate of the expense of the examination of the witnesses before the examiner, and what it would have been if they had been examined upon interrogatories before a commission, such as a commission at Liverpool ?—Under which plan.

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438. Under the old plan?—I can make it out if you wish it; but, I think, I can answer near enough at once. For two or three witnesses, which were as many as we brought from Liverpool, we always reckoned it altogether about as cheap to bring them to London and examine them before the examiner as to send a commission down. After paying the commissioner, and the trouble which there would be about it, it came to about the same thing.

439. We wish to compare the actual expense under the new system, with what it would have been under either of the old ones?—The new system includes the making briefs and the counsels' fees, in addition to the old; that is a new item. You may say that the old system would have been perhaps finished a little quicker, but the other is the material addition. The important difference is, that there are briefs and the attendance of counsel. If you take the briefs and the attendance of counsel in M——— v. E———, the difference, I have no doubt, was as much, at least, as seventy to eighty guineas. It cost that much more under the new than the old plan.

440. Under the old system was there not a considerable expense of commissioners, it going on day by day, and there being travelling expenses?—Yes; and everything is paid by folio. The distorting results of the system of pay, which makes it very difficult to deal with these questions on their own merits.

441. Some of these expenses are not incurred now upon the examination before the examiner?—I do not know that. The examiner must go on writing down as long as anybody will ask questions.

442. How many commissioners used to be appointed?—For many years only one; two formerly, and then there was only one.

443. The only expense saved by the new system would be that of drawing and settling the interrogatories, that would be saved?—It would be saved, and instead of that you have to put your instructions and your brief for counsel.

444. And you save the expense of the commissioners themselves?—The expense of the commissioners themselves you can hardly be said to save, inasmuch as you have the examiner's salary to pay. You can have examiners now in the country if you like, but you have to pay them.

445. Have you had any experience of taking evidence by a special examiner in the country?—I have not attended it myself. I was present for a little time at such an examination at Christmas. There is this advantage in the country examination, that instead of having to wait for a new appointment, you can go on from day to day.

446. With reference to discursiveness, can you say what is the comparison between the examiner in London and a special examiner?—I think the examiners here are more competent to do their business than the average country ones, and would therefore keep better within bounds; but it depends quite upon who the country examiner is.

447. Is there any other suggestion which you would make?—I do not think that the evidence is given with so much care and caution on the part of the witness before an examiner as it is before a judge. I think it is not so good in that respect.

448. You mean by the witness himself in open court?—Yes. There is not the same power over him, nor is he under the same awe that he would be. I think you get better evidence in every way before a judge.

449. Have you noticed any improvement in the affidavits since the power of cross-examination upon them has been given?—I cannot say. I have no doubt it must have had its effect; every one is aware of the fact; but I know of but two cases in my own experience of requiring a party to be cross-examined after filing an affidavit. No good came out of either. They cost about 20*l.* each case. I am sure that the power of doing it is an advantage. And there is one point which I meant to have mentioned, as to imposing a penalty upon a witness in case he did not make an affidavit. There is a certain class of cases of evidence in which it would be very hard upon a witness. It not unfrequently happens that there are matters which to some extent may be considered confidential; such as in the case of medical men, questions of state of mind, and questions of that sort on which no witness would ever volunteer to give any evidence, unless he was in some way compelled; we have often that difficulty.

450. And he will not give you any information beforehand?—No. I think it would be very advisable if there were a great many more local officers, before whom, without any difficulty for such purposes, a witness could be summoned; perhaps hardly a justice of the peace, but of that description. If it were known that within a very short distance of the witness there existed some person before whom the witness could be summoned to take down his evidence, it would unquestionably be a good deal of assistance in getting the facts of the case more speedily together. We are driven to hunt up a good deal of collateral matter, because we cannot get the direct evidence from the party who will not give it. This applies to evidence taken *ex parte* as well.

451. Would a County Court judge do for that purpose?—No, I think not, because he is only on the spot for a short time; you want some one who is there. Wherever there is a Commissioner of Bankruptcy I think him a better officer. In the winding-up cases there is a power given to the master or judge to depute, not merely the examination of a witness to a Commissioner of Bankruptcy or a local authority, but any particular part of the

inquiry. That has been found in one case, which I have had under my management, of very great value indeed, the North of England Bank, where the parties were living at such a great distance as Newcastle. We have had a considerable number of matters in that winding-up which have been referred to the Commissioner at Newcastle, who has investigated them all. We could not tell him exactly what to do, but we got an order from the Master of the Rolls, formerly from master Farrer, to him, to investigate the facts as to the assets of A and B, and a great deal of good has been done by that; but the need is partly owing to Newcastle being so far off.

452. That is Mr. Ellison?—Yes.

453-4. Is there anything further that you would suggest?—I think not. I might have said, but I have implied it in what I have said, that I cannot help thinking that in all cases of real conflict of evidence very much depends upon the demeanour and look of a witness, which the judge himself should observe.

The witness withdrew.

WILLIAM WILLIAMS, Esquire, examined.

W. Williams, Esq.

455. You have had a great deal of experience in Chancery?—I have had considerable experience.

456. And you have had some experience of the present system of examiners?—I have had some. My name has been mentioned to the Commissioners, perhaps, under the notion that I have had more personal experience of the recent alteration than I have had. My business being entirely confined to proper business, I am not likely to have had many cases come before me since the new practice has been introduced.

457. Have you had opportunities of judging of the system?—I have had some opportunity of judging.

458. In your opinion is it a useful system for the purpose of eliciting truth?—I do not think it is so useful a system as one that might be introduced, I think, with advantage.

459. What is the system which you would propose?—I think, where the object is to elicit truth from conflicting parol testimony, or to detect falsehood, the examination should take place in the presence of the judge who hears the cause.

460. At the hearing?—At the hearing.

461. Do you find very considerable inconveniences at present from the great delay which is occasioned?—Yes; I have found that inconvenience.

462. Appointments are made at great intervals?—At great intervals, and then only for a limited time.

463. Does that, in your experience, give opportunities to mend the case if the evidence has been unfavourable in the first instance?—I am not able to speak on that subject. I have not had any case of that description.

464. Do you find, also, that evils arise from the non-attendance of witnesses or solicitors to keep the appointments which they have made?—More so I think of counsel, in consequence of the appointments taking place while the courts are sitting. I find it difficult to get appointments except at great intervals. Then counsel are much more likely to be engaged in court than solicitors are; and the appointment is postponed, to the inconvenience not only of the parties immediately concerned, but of a variety of other parties, whose engagements depend upon the continuance of the appointments before the examiner.

465. You suggest that it is of importance that the judge who is to decide the cause should hear the evidence?—I think so, wherever the evidence is not of the most formal description, and either of the parties desires it to be taken in his presence.

466. What would you do in this case. Supposing a case was heard orally in court before one of the ordinary tribunals in chancery, which was a long contested question of fact, and one party was of opinion that the judge had come to a wrong conclusion; how would you propose that that case should be appealed to a higher tribunal?—I think a question of that description was contained in the paper which was originally sent to me; and I believe the answer that I then gave, and the answer which I should now give, is, that there should be a short-hand writer attached to the court, a transcript of whose notes should, together with the other evidence which had been taken in the cause, be transmitted to the court of appeal.

467. Would not this difficulty arise. Supposing the judges of the court of appeal should be of opinion, upon the evidence so given on a doubtful question of fact, that the court below had come to an unsatisfactory conclusion, could they safely reverse the decision of the court below, which had had the advantage of seeing the demeanour of the witnesses, without seeing them give their evidence over again?—I think it should be competent to the court of appeal to have the witnesses before them if they thought fit to use that discretion.

468. In very heavy cases the evidence taken by a short-hand writer is very unmanageable, is it not, from its bulk?—It is, no doubt.

469. It being in the form of question and answer?—No doubt that is a difficulty. But then, I think, it must be borne in mind that the cases of appeal are not the ordinary cases. It is not the ordinary rule to appeal.

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470. How would you propose to get over the expense of having several cases to be heard consecutively. The witnesses would be compelled to be in attendance, would they not, while the former case was being heard?—That would be so, and that is so at common law. But as the cases, where witnesses were to be examined before the judge, would be known, and of course specially appointed for particular days, I do not think any sensible inconvenience would arise, and I think the expense of the present system is far greater than that which I should propose to introduce.

471. Is not it a great source of expense at common law?—It is a source of expense at common law; but, I think, the present system is much more expensive in chancery. There are, virtually, two hearings; one before the examiner to take the evidence, where there are counsel and solicitors in attendance, and you have another hearing before the judge, to read over and comment on the evidence.

472. What do you think of such a system as this:—that all evidence should be taken by affidavit, with the power of cross-examining the witnesses upon their affidavits before the examiner, except in those cases where the witness refused to make an affidavit; in which case the court might have the power either to allow or disallow the costs of his coming up; reserving, in all cases, a power to the court, where it thought fit, to have the witnesses summoned before the court at the hearing of the cause, for the purpose of having their evidence given orally?—I think it should be for the parties themselves to decide whether they should have the case heard before the judge orally or not.

473. Would the system now suggested diminish the expense and delay?—I think it would diminish the expense and delay, and would be better than the present system.

474. If you had all the cases heard orally before the judge, would it not be necessary to have some fresh judges?—I think it would; but I should not think it right that all cases should be so heard, and I think there are not so many cases as one would probably imagine in which recourse would be had to oral evidence; and even in those cases where it was resorted to it would not be necessary to have *all* the witnesses examined orally. There might be only a few witnesses upon whose evidence the case might turn; and those witnesses might be examined orally, and the rest of the evidence might be taken by affidavit.

475. How would that be determined?—By the parties themselves. I should propose, as I think I mentioned upon a former occasion, to vest in the court itself the power of visiting parties with costs who unnecessarily resorted to this mode of proceeding.

476. That circumstance of investing the court with the power of determining the question of costs would lead to this expense, would it not, that the court could not determine costs against a party without hearing him?—The court would do this as part of the judgment.

477. There might be an argument upon that subject, and he might show upon evidence that he had had good reason for believing, that he had a proper case for having it heard orally, though it might not have turned out so?—It might be so; but the court is now frequently addressed with an argument on the sole question of costs.

478. We have been also led to suppose that parties from not laudable motives,—sometimes for the purpose of vexing the other party, sometimes for the purpose of increasing expense, which may have an effect in deterring the opposing party who is poor,—insist upon the cause being heard by *viva voce* testimony, when there is really no good reason for it?—That might be very easily met by vesting in the court the power of requiring the party who determined to have the cause heard orally to deposit a sum, at the discretion of the judge, to cover costs.

479. In many cases, with poor people, that would practically be a stoppage of the suit, would it not?—But in the case supposed the justice of the case is with the other side.

480. The court could not tell that before hand, could it?—Upon an application at chambers the court could form an opinion.

481. Do you think the court could come to a satisfactory conclusion upon that without hearing the cause?—I think so.

482. Without hearing a good deal respecting the cause?—Respecting the general nature of the case.

483. Then that very order of the judge would be subject to appeal?—Yes, it would be so.

484. And would give rise to considerable expense?—It is of course impossible to devise any scheme which is not open to objection. It must be the balance of convenience or inconvenience which must decide the matter; but I think the case suggested is a very exceptional one, and ought not to influence the question.

485. What would be the system that you would suggest?—I would suggest that each party should be at liberty to say whether he would have the cause decided upon oral testimony before the court, upon affidavit, or upon evidence before the examiner; subject to the risk of having to pay the costs in the event of resorting arbitrarily and unnecessarily to oral examination before the court.

486. Supposing one party said "I wish to have it heard before the examiner," and the other party said "I wish to have it heard before the court," to which would you give the preference?—Either party; as it is at the present moment, let the plaintiff within a certain time say whether he will have his evidence, or a particular part of the evidence, adduced before the court or not, or before the examiner, or upon affidavit.

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487. Then there might be two hearings; one before the examiner, and the other before the court?—You would only have that particular portion of the evidence heard before the court upon which the parties considered the fate of the case to turn.

488. You could not prevent their cross-examining with respect to all the rest, could you?—They would cross-examine only upon those particular matters on which evidence was produced before the examiner or on affidavit. It would be necessary to retain the power of examining before the examiner or a commissioner. I am now referring to cases in which it might be necessary for instance to compel parties to produce deeds, and prove deeds, where if they would not make an affidavit, you must compel them to attend before some person and prove them. The deed happens to be in the custody of another party, and you want it produced to the attesting witness for him to see it and prove it; you cannot get the attesting witness to make an affidavit, because he cannot see it. You must have the party before the examiner, or the deed must be produced at the hearing.

489. Could not some means be devised to meet that, by the judge being enabled to make an order for the production of it?—It would come to very much the same thing; you now get a subpoena to produce without such an order. The witness is bound to attend before the examiner, and attends and proves it.

490. What you want is a deed verified upon affidavits?—Yes.

491. Could not an order be made to produce it?—That would be merely providing for the production of the deed by another process. I do not think there would be much saving of expense; you would arrive, I think, at pretty much the same conclusion.

492. You would not suggest that it is necessary that the whole evidence should be given in this way; would not it be sufficient that either party should say that certain witnesses should be examined in court?—I intended so to express myself, that certain witnesses, at the request of either party, should be examined in court.

493. Do not you think that if the parties had the option of examining witnesses *viva voce* in court at the hearing of the cause, under the penalty of the judge directing that they should pay the costs of unnecessarily doing so, there would be in almost every case an argument upon that point of whether the party was to pay the costs or not?—The Commissioners know that at common law a somewhat similar discretion is vested in the judge, with reference to the admission of written documents, and I am not aware that any inconvenience is found. At common law you have a right to call upon your opponent to admit certain written documents.

494. That is done at chambers, is it not?—It is.

495. You have no counsel to argue the point there?—Your opponent must either admit or submit to have to pay the costs of proving the written document at the hearing, unless the judge certifies at the trial that it was fit and proper to have the document proved in the ordinary way, by the production of a witness.

496. Would you have a similar rule?—I would apply the same principle.

497. That the costs of a witness should not be allowed unless the judge certified that it was proper?—I would rather put it in the other way, that the costs should be allowed unless the court certified to the contrary.

498. Then it would not bear an analogy, would it?—Not quite; because I do not think the other mode is quite so reasonable when applied to this mode of proceeding.

499. It would be necessary for the court to interfere to prevent his having his costs?—Yes.

500. In the other case it is necessary for the court to interfere to give him his costs?—I think it is *ex debito justitiæ*, that a party should have a right to say that the witnesses should be examined in the presence of the judge; and I think, subject to the risk of having to pay the costs, very few parties would exercise that right in such a way as to produce practical inconvenience.

501. Is there any other suggestion which you would make?—No; I am not aware that there is.

502. You have found the present practice expensive and slow?—Yes. It is very uncertain within what time you will be able to close your evidence, because it depends very much upon the amount of business in the examiner's office, which, of course, has been greatly increased in consequence of the extension of their jurisdiction.

503. Do you concur with several of the other witnesses, who have said that the proportion of cases in which witnesses would be required to be examined orally is very small?—Very small, indeed. Certainly the proportion of business, speaking for myself, would be very small, indeed. My business being entirely proper business, one case out of twenty, or a much smaller proportion than that, would be a case in which I should require any witness to be examined orally, because so large a proportion of the business of the Court of Chancery is purely administrative, and is not contested, or if contested, it depends upon the effect of documents.

504. How do you define "proper business"?—I mean not agency business. I mention that, because the number of cases which I should have, would be much fewer than those of the other gentlemen who have been examined.

The witness withdrew.

H. Hawkins, Esq.

23d March 1854.

Thursday, 23rd March 1854.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

HENRY HAWKINS, Esquire, examined.

505. You have had a good deal of experience before the examiners in Chancery?—I have had some.

506. There are several defects of which we have been informed respecting the system of examination, on which we are very desirous of having your opinion. In the first place, we are told that one of the evils which arises is that in a long matter the examination of the witnesses cannot be completed in one day, and that it frequently extends over many days, the result of which is that not having a consecutive examination a considerable interval necessarily takes place before the witnesses are examined again; that the intervals so occupied sometimes cause the examination to extend over months, and that by means thereof it both gives rise to a great loss of time and to expense, and enables the evidence to be framed to meet the course which it is taking. Have you observed that?—I think that that is so. I think I could mention one or two instances, in which I have been engaged, in which it has been really impossible to finish the examination of a witness in one day, and where the delay was of a great deal of importance, I think, to the opposite party, or might have been, certainly. There was a case no later than yesterday and the day before (I was not there to attend to it myself), in which a very important witness was examined. His examination-in-chief occupied, as I was told, one day; his cross-examination is not yet complete, and it is uncertain when there will be another meeting, it may be in the course of two or three weeks, it may be in the course of a month, or it may be a longer period. It happens that he is my own witness, and therefore I have no right to find any fault with him, and should not; but supposing, instead of being as I believe an honest witness, it so happened that he was a dishonest witness, and desirous of proving a case which was not true, it would certainly give him a very good opportunity of meeting points which had been elicited upon cross-examination before the next meeting.

507. Where the examination cannot be completed in one day perhaps it would be, why might it not be, continued the next day, and so *de die in diem*, till that witness was finished?—For this reason: I believe the examiners find it difficult to make their appointments. When an appointment is obtained for the examination of a particular witness, it is utterly impossible to say how long a time the examination-in-chief or the cross-examination may occupy, so that the examiner is obliged to apportion his time among the various suitors as he is able. To one suitor the examiner says: "I will give you to-day, and also to-morrow;" then comes another suitor, to whom the examiner says, "I will give you the next day." A witness of the first suitor comes perhaps a long way from the country. The first and second days are wholly occupied by the examination, and by the partial cross-examination, of that witness; it so happens that the third day is already given away, and the further examination of that witness must therefore of necessity be postponed, and being postponed, it must also of necessity be postponed until all the other appointments then made are exhausted.

508. Does not that arise from the small number of examiners?—I doubt very much whether the difficulty could be obviated by even increasing the number of examiners, and for this reason: If you had a greater number of examiners, it would be still necessary for the examiners to make their appointments for the various suits, and it would be a very great waste of time if the examiners were to take three or four days for the examination of the witnesses in a particular suit merely upon the chance of their occupying all that time, because of course, if the examinations were concluded in the course of one or two days, it would be a loss of two or three days of very valuable time.

509. Also this, we are informed, occurs, that when an appointment has been taken sometimes for a whole day, when there are persons waiting to be examined in other cases who have not been able to obtain appointments, from some cause or other, sometimes the witness not being able to attend, sometimes possibly from counsel not being able to attend, the appointment is abandoned?—I do not think that I know of any instance in which an appointment has been abandoned, but no doubt very often considerable delay arises from the causes referred to. For instance, counsel have been instructed to examine a witness; one knows from every day's experience that the attorney is not so capable in a great many instances of doing it; in a great many instances he is, but in a very great many instances he is not capable of examining a witness so concisely or so much to the point, as the counsel who have had the papers before them; and it will also sometimes happen that where counsel engaged are absent, the attorney, relying upon the presence of those counsel, has not personally attended there to conduct the examination, and has devoted his time to some more pressing matters, and so the examination is delayed.

510. Have you observed that this evil arises, that the examiner has no power of deciding upon the materiality of the evidence?—I think it is a very great defect, indeed.

511. It leads to diffuseness, we presume?—It does very much indeed; men, however experienced they are, do not all examine or cross-examine alike; and it very often happens that one considers material what another does not, and that the examination extends beyond a reasonable length.

512. Would not this difficulty arise: Supposing the examiner had to determine upon the materiality of the evidence, and he decided to exclude evidence which you thought very material, you would not be satisfied with that unless you could obtain the opinion of the court upon that point?—Certainly not.

513. You could not give the examiners a judicial power without also making it liable to appeal?—Certainly not; you could not do it, I think, without making it liable to appeal.

514. That would necessarily occupy a considerable time?—It would. I do not however know any way in which that could be avoided. If the examiner is merely an examiner to take the evidence, I do not think it can be avoided. I am not myself aware how the system works in this respect, whether all the witnesses in the same suit are examined before the same examiner, but it very often may be impossible for the examiner, or anybody else, to tell whether the evidence as to which a particular witness is examined will be material or not. For instance, I may have a witness taken out of order; you do not call the witnesses before the examiner in the same order that they would be called supposing the case was heard at *Nisi prius*. You say it will suit one witness to come up on such a day; let him come up, and while his evidence is being taken down by the examiner, you say possibly it may be material, because if Mr. So-and-so, who is coming three weeks hence, ventures to make a certain statement, I must contradict it, and I may as well have the contradiction down *de bene esse*; therefore that inconvenience arises from the system.

515. It would be the duty of the examiner, if he entertained any doubt, to take it down, because it would not lead to so much mischief; it would only be a little redundancy, whereas the exclusion of it perhaps could not be remedied afterwards?—I do not see how it is possible to give the examiner power to reject evidence; he ought to admit it all, taking a note of the objection, that is all that he can possibly do. It is impossible for him, unless he tries the cause, to say what may or may not be material; he must always depend upon the statement of the counsel, or of the gentlemen examining the witness before him.

516. That would be as to materiality?—Yes.

517. Whether it was admissible or not he might decide?—He might.

518. Do not you think that even supposing the witness was examined *viva voce* by the judge in court at the hearing of the case, the judge himself, upon the question of materiality, might often be unable to determine it until he had heard the evidence, and that it would be necessary for him to receive it in many cases in order to determine its materiality, especially with reference to some other evidence that might be given connected with the case?—Yes; but in that case the judge would have the witness before him, and the witness would be present during the hearing of the cause; then the matter would be decided as it is now at *Nisi Prius*, and the evidence would not be given until it become relevant. The materiality must in many instances depend of necessity upon the other evidence in the cause.

519. The same thing applies to all questions of admissibility?—Yes; in all questions of admissibility the same question must of necessity arise.

520. Have you observed also that the notes of the examiner do not convey accurately to the mind of the person who reads them the demeanour of the witness?—It is quite certain they can not do that.

521. That is a great defect?—That is one of the very great evils of the system of examining the witness apart from the judge who is to decide upon the credit to be attached to the witness. For instance, at *Nisi Prius*, it very often happens that you have a witness in the witness box, and he is cross-examined, and adheres to a statement hostile to the party cross-examining him, making, in fact, if he is believed, a perfect case against that party. It is, in my opinion, essential that the judge who tries the cause should with the jury see the witness, because upon the mode in which his evidence is given will and ought in a great measure to depend the credit to be attached to his testimony. I know that very often one looks at a witness, who gives his evidence in a flippant or hesitating manner, and says, "He may swear anything he pleases, if he is going to swear it in this way. The jury never will believe it." Of course all depends upon the mode, and the readiness or otherwise with which a witness answers a question, the answer to which he must know at the moment. It depends upon whether he fences with the questions, or gives straightforward answers.

522. Have you ever observed whether any witnesses have used the present system as a means of extorting a larger amount of money for their expenses than they were entitled to receive. For instance, a witness is called up, having received a sum of money to pay him for his loss of time, and for his expenses. He says, before he is examined, "I shall not give evidence unless you pay me so and so for my expenses?"—I do not remember to have met with such a case.

523. The examiner would have no power to determine that question. We are informed that cases have arisen in which the party who had brought the witness up for the purpose

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of cross-examination has been content to allow this extortion to succeed rather than lose the time or incur the great expense which would be occasioned by applying to the court upon the subject, which would necessarily occasion the loss of the appointment, the loss of fees to counsel, and the attendance and the delay?—I can very readily imagine that a dishonest witness might have an opportunity, under the present system, of doing that, because, of course, the examiner has no power to say, “I assess your expenses at so much money, and that money must be paid.” He has no power to compel the witness to be sworn, or to commit him if he refuses to be sworn. I was not aware that use had been made by witnesses of that power; but I can see the danger of it.

524. Probably if it is found out it will extend?—No doubt of it.

525. Do you think there would be any difficulty in arming the examiners with the power of determining the proper amount to be paid to a witness for his expenses?—None, I think. I think the examiner might have power given to him which would render it impossible for a witness to be hardly dealt with. For instance, he may say, “I do not think you ought to be called upon to give your evidence without having 5*l.*, which I assess as a reasonable sum for coming from such and such a place. If I am wrong, you may appeal to the master, and have your expenses taxed in the ordinary way.” And there should be an undertaking given on the part of the attorney, or somebody responsible, to pay the witness any further amount awarded to him. But that certainly can be no injustice to the witness, because, being there, it is no hardship to the witness to swear; and give his testimony whilst he is in the room. It is a much greater hardship to the parties to lose his testimony for the day, and till they can ascertain what the expenses ought to be allowed at.

526. Have you seen many cases in which it has appeared to you material that the judge should see the witnesses?—My experience before the examiners is limited; but I do not remember myself to have seen a case that I have attended before the examiner where it was not material for the judge to see the witness. I need not mention names, but I remember upon one occasion going to examine a witness. My impression at the time was from rumour that the witness was an exceedingly bad one; but after I had seen him, I said, “I do not care at all, I do not mind what report may say, “I should like any judge or jury to hear that witness give his testimony; it is impossible “to shake him.” I heard that witness give his evidence in a way that satisfied me that he spoke the truth on that occasion. It is often said of a witness, “We must look “at his evidence with a great deal of caution;” one knows that observations of that kind are frequently made to juries, and that evidence is very much affected by them; but I am quite certain that in the particular instance which I have at this moment in my mind, the demeanour of the witness would have been sufficient to satisfy any judge or jury hearing his testimony that every syllable which he spoke was the truth. Then, again, upon cross-examination, a man may adhere to a detail given in his examination-in-chief in every respect; but one notices sometimes that an interval takes place of a minute or two before the man collects his thoughts, and recollects what he has already said upon some previous occasion; one knows how that minute is occupied, it is in remembering what he has said before, and seeing whether the evidence which he then gave tallies with the case which he is about to make. That is almost always the case with dishonest witnesses.

527. In the case which you mention, where you thought it desirable that the judge should see the demeanour of the witness, it was in order to see the goodness of his demeanour?—Yes.

528. In all cases upon paper the demeanour of the witness, as far as you read it, seems to be good, does it not?—The demeanour, whether good or bad, is not conveyed to the judge by the written examination.

529. Have you seen any cases in which the badness of demeanour has not been represented upon paper?—Certainly.

530. Have you seen many cases of that where you should have liked the judge to see the witness?—Whenever I have been to examine or cross-examine I have always felt it desirable that the judge should see the witness, because I do not think it possible upon paper to convey fully to the mind of the judge the materials for forming a correct opinion whether a witness is to be believed or not. For instance, a man who has been bankrupt several times, insolvent several times, in gaol for various offences several times, may come forward, and speak the truth as to the matter in which he is examined, and the way in which he gives his evidence may satisfy all who hear him, beyond doubt, that he is speaking the truth in that particular matter; but if you see upon paper, at his cross-examination, “I have been bankrupt six times; I never paid a shilling dividend “to my creditors; I have been insolvent four or five times; I was remanded for fraud; “I have been in gaol for different offences three or four times within the last few years;” it of necessity creates such a bad impression of the witness that it is difficult to believe what he has said in his examination-in-chief. And yet all those answers may be given in a tone of voice and with a demeanour in themselves confirmatory of the witness’s statement. I am sure that in many instances the effect of a *vivâ voce* examination would be quite the reverse of what the examination upon paper is.

531. Do you think that that could be at all obviated by giving the power to the examiner to report to the Court that it was desirable that the witness should be examined

by the Court?—That is placing a very wide power in the hands of the examiner. Then there ought to be an appeal from that. *H. Hawkins, Esq.*

532. Is there any alternative between that and the personal examination by the judge of all the witnesses?—My own feeling certainly is very strongly in favour of an examination before the judge who is to decide the matter. I think it is impossible to arrive at the truth without it. 23d March 1854.

533. Supposing that to be impracticable, from the state of business in the Court, and it being utterly impossible to carry on the business of the Court if all the witnesses in all the causes are to be examined *vivâ voce* before the judge, can you suggest any means by which this difficulty can be obviated?—One can only say that if the judges at present appointed are not sufficient to hear the witnesses, there is a necessity for an increase in the number of judges. I do not think there is any other mode in which it can be effected.

534. Supposing all the witnesses in the cause have been examined *vivâ voce* before a Vice-Chancellor at the hearing of the cause, and that cause is appealed, what are the Lords Justices or the Lord Chancellor to do; are they to have the witnesses examined before them again, or in what manner are they to form their judgment?—I take it that upon the first examination of the witnesses before the tribunal, the decision of which was appealed against, the question of fact ought to be conclusive, just as it is now with a jury. You try your case at Nisi Prius before a jury, and a jury find the facts. The Court, upon the hearing of any motion for a new trial, unless it be a motion for a new trial, upon the ground that the jury have found facts against the evidence, or have found a perverse verdict, do not require to hear the credibility of the witnesses discussed at all.

535. In that case the new trial is granted, upon the ground that the verdict is against evidence. Then the witnesses are examined, of course, upon the new trial over again?—They are.

536. May not the appeal be because the judge below, the Vice-Chancellor for example, has decided against evidence?—Yes; but I think in that case the matter of appeal would not so much depend upon the demeanour of the witness, because the credit to be attached to the witness is always left to the jury.

537. Then is there not this difficulty: Assuming that the Court of Appeal were of opinion, upon the evidence as before them, that the Court below had come to a wrong conclusion upon that evidence, could the Court of Appeal with propriety decide against the Vice-Chancellor, and reverse his decision without hearing the witnesses, the demeanour of whom possibly had formed a considerable ingredient in the conclusion to which he had come?—The way in which, for the most part now, new trials are granted upon verdicts against evidence, is this: The judge who tried the cause reads his notes of the trial, and makes his report to the Court. The judge gives his impression of the trial, and whether or not there is good ground for saying that the verdict was against evidence. Where the judge himself is satisfied with the verdict, I believe that the Courts invariably take his report of the evidence which has been already given, and act upon the note of the evidence which he has taken; and it would be precisely the same thing, I apprehend, in the Courts of Equity, that the judge would take a note of the evidence, or there would be a short-hand writer's note, which would be, in my judgment, infinitely better; because it would enable the Court to read every word that was uttered by the witness; but if there was no short-hand writer, the judge would make his own notes of the evidence, render his notes or report of the evidence to the Court above, and the Court above would say upon that evidence whether there ought or ought not to be a new trial or a new hearing.

538. Is there not this distinction: In those cases where you apply to the Court in banco, you do not apply to the Court for any other purpose than that the cause should be tried again?—For a new trial.

539. And it is tried again before another jury?—It is.

540. And probably another judge. But in the case of an appeal from one of the Courts of Chancery to the Lord Chancellor or the Lords Justices, it is not an application for a new trial, it is not an application that it may be sent down to the same judge to be tried again; in which case possibly the same result might occur. It is true you do not send it to the same jury, but in cases of appeal from one of the Courts of Chancery to the superior court, the superior court does not determine the question of a new trial, but makes a final decree in the matter, and finds what the verdict ought to have been. Whether it can do that without hearing the evidence seems more doubtful than upon the question whether the matter ought to be tried by another tribunal, does it not?—Yes. I think there is a little more difficulty in it; but you must suppose an extreme case, to suppose it to be necessary to examine all the witnesses over again, for the purpose of seeing the demeanour of each of the witnesses. If the party appealing, who I assume always appeals at his own risk as to costs, desires, however, that all the witnesses be examined over again, that the Court of Appeal may see the demeanour of each of them, I do not see any objection to the Court of Appeal examining them over again, treating it, in fact, as a new trial.

541. Then you must have more Courts of Appeal, because appeals are quite as much upon questions of fact as upon questions of law?—There is a great deal of difficulty, I can see, in re-hearing questions of fact; it may be doubtful whether questions of fact should be re-heard.

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542. Appeals you will find in a great measure to be upon mixed questions of fact, and law, more generally turning upon the questions of fact than upon the questions of law?—There certainly would be a considerable difficulty in re-hearing every case in which there was an appeal before the Court of Appeal, and again examining all the witnesses.

543. Would not also the effect of it be to preclude a party from going to the House of Lords, which is the ultimate Court of Appeal, because the House of Lords could scarcely reverse the decision of a Vice Chancellor, who had heard the witnesses, affirmed by the Lords Justices, who had also heard the witnesses, without itself hearing the witnesses a third time?—No. I see no substantial difficulty in examining the witnesses, if necessary, before the House of Lords; I have not, however, considered the question much. All that I have turned my attention to is as to whether it is possible to arrive at the truth without seeing the man who is deposing to a most material fact, which fact, or alleged fact, is contradicted by the other side.

544. Are you familiar with the old system in Chancery?—I am not.

545. You are aware that it consisted in the witness being sent to the examiner, no other person being present, who looked at certain written interrogatories, and wrote down the witness's answers to those interrogatories, which were sealed up and published on a particular day. You are aware generally, that that was the mode?—Generally I am.

546. Do you think the present system better calculated to elicit the truth than that system?—Infinitely better, because upon cross-examination, questions arise very often at the moment; the witness gives an answer to a question put to him in chief, or upon cross-examination, which immediately suggests another most important question.

547. We suppose that it is impossible effectually to cross-examine a witness unless you know both the question which was put to him in chief, and the answer which he gave?—Certainly. It is a difficulty which seems to me to be insuperable. I had the other day, at common law, instructions to frame a set of interrogatories to cross-examine a man, and I had not the least idea of what he was going to swear in chief I said; "The very questions that I put to him on cross-examination may suggest to the other side a topic which at present they are entirely unaware of." Indeed I was cross-examining in the dark.

548. And you may not only ask a question that ought not to be asked, but 150 questions that ought not to be asked, having nothing to do with the matter?—Having nothing to do with the matter at all.

549. Do you think that the present system does elicit the truth?—In many instances, certainly not. Many a witness will, before an examiner in a private room, venture upon statements or contradictions which he dare not do if examined in open court before a judge. I think that many of the evils of the present systems might be remedied if the examiner had the power to report upon facts, and not merely to take down the evidence. But the examiner having now no power to report to the Court as to how far a witness who has been examined is a credible witness or not, and having power only to write down what the witness says, I doubt very much whether in many cases the Court can properly estimate his testimony.

550. That arises, in some degree at least, from the circumstance that the examiner reduces the deposition into a narrative, and does not give the question and answer?—It does arise partly from that. A man is asked, "Were you at such and such a place?" The place he knows very well the moment you ask him the question, and whether he was there or not, and if he was there, the hour, and the minute he was there. He asks you to repeat the question, the examiner does not write down, "What did you say, sir?" You then put the question again, and the man says, "Well, I am not quite sure;" that the examiner does not write. You put the question again, "Were you?" "I am not quite sure," he hesitates again. "I ask you upon your oath." He does not take down the questions and the hesitating answers that the man gives; all that he does is to wait until he gets an answer to put down upon paper, and having got the answer one way or another, he writes it down; so that ten minutes may be occupied in getting a simple answer, yes, or no, to a very plain question, which the witness must have known the meaning of and the answer to the moment it was put.

551. The reduction into the form of narrative of the result of that ten minutes examination prevents the Court from seeing, in that narrative form, the manner in which the witness gives his evidence?—Quite.

552. But on the other hand the repetition of all the questions and all the answers would lead to enormous length?—It would.

553. And to a great deal of immaterial matter being brought up to the Court?—That must of necessity happen, and of course if the Court heard the witness, it must hear a good deal of matter what would appear immaterial, for that would be the fault rather of the witness than of the examiner, beyond the mode of conducting the examination.

554. Have you attended much before the master in the winding-up cases?—No.

555. There the evidence is taken down by question and answer?—It seems to me that the question and answer system after all would not be a very bad system, because question and answer might be taken down by a short-hand writer who could do it much more rapidly than the examiner; that to my mind is perfectly clear.

556. Do you consider that the cases of witnesses, with respect to whom it is important that the Court should see their demeanour, are cases of frequent-occurrence, or rare and exceptional cases?—As far as my experience goes, I think that they are cases of frequent occurrence.

557. You consider that they are the majority of the cases?—I think so. The result of my experience may possibly arise from this, that in most of the cases in which I have been taken to examine a witness before an examiner it has been a witness to whom a good deal of importance has been attached; and I have been in many cases taken to cross-examine witnesses for the purpose of testing their veracity; my experience has been chiefly limited to those cases.

558. You have been personally examining or cross-examining a witness, because you knew beforehand, or had reason to suppose beforehand, that it required your personal intervention by reason of the witness being of a character specific, which rendered it important?—Just so.

559. Do you think that this evil which you suggest might be in any way met by this scheme, that the counsel or solicitor cross-examining should have the right to require beforehand that as to that witness's cross-examination it should be all taken down by a short-hand writer in question and answer, although not necessary to do it without such request?—I believe that is done sometimes in the Court of Bankruptcy, that question and answer are taken down. A witness is being examined, you examine him first of all and it is put in a shape of a narrative; you come to some important part and say, "I desire this to be taken down, question and answer."

560. Do you think it would be expedient that the counsel should have the right to require that to be done with regard to any particular witness?—The difficulty is in ascertaining the stage at which it should be done, because you go on cross-examining. Very often you ask a witness several questions before you see that it is necessary to put down question and answer at all; and the moment you call that to the attention of the witness of course he is more guarded; and the effect of the cross-examination of a fraudulent witness is very often lost the moment you let the witness know what you are about.

561. How would it be with a nervous and timid, but honest witness, a female? Would not it alarm her if you were to examine her first of all and have it taken down in narrative, and then say, "I insist upon that witness being examined and the questions and answers being taken down?"—It is very well calculated I think to alarm any witness, a male or female witness, when you say, "I desire the answers to be taken down verbatim," it is rather holding out a threat to the witness that there is a bit of contradiction about to be introduced.

562. To a timid though honest witness it might have an effect much greater than to a dishonest witness?—I think so.

563. Can you at all account for the much greater length of time occupied in examining a witness before the examiner than in examining him at law?—I think it arises in some measure in the first place from the examiner not having the power to interfere to stop an irrelevant examination which the judge would do. The judge would say at once, "I shall not suffer the examination to proceed in this way because it is entirely irrelevant." The examiner has no such power at all, and if the examiner had the power, not being the judge to decide the fact, he would be more indulgent than a judge would because he would say, "As I am not to decide this I do not like to exclude anything which by possibility can be said to bear upon the cause."

564. Does not the examination in our Courts occupy a much longer time than it does before the master?—Not at all.

565. Are there any other suggestions you could make for the improvement of the system?—I do not know that there are any others. The great objection that I have had, and which I still entertain, is one which there seems a difficulty in removing; the non-examination of the witnesses before the judge who is to hear the cause. I am quite satisfied that in all cases where a fact is disputed, the judge who tries the cause, and has to determine the fact one way or another, is the person who ought to have the witness before him to decide upon the credibility or the want of credibility of the witness, and I do not think it possible upon any written examination, however carefully taken, for a judge to come to any right conclusion, unless he sees the witness.

566. Have you found frequently, in your judgment, a failure of justice in the system of affidavits at common law?—Yes, great. The man who swears last cannot be contradicted. I know it is a common thing, when we have an affidavit to move for a rule, to say among ourselves, "We shall be sworn out." And I know it very often does happen that the affidavit upon which the rule is obtained, is taken and answered piecemeal; there are direct contradictions from the beginning to the end. Of course, the counsel on the other side says, "I have an affidavit here which answers the affidavit upon which this rule was moved." He goes, item by item, through it, and there is an end of the case. I may know perfectly well that the man who has sworn the last affidavit, has sworn to a whole tissue of untruths, but I have no means at all of getting rid of it. The answer is, "You may indict him for perjury."

567. Is there no affidavit in reply?—No affidavit in reply at all. So that if you have an affidavit used against the one upon which the rule has been obtained, no matter

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H. Hawkins, Esq. how false it is, the man who has sworn the first affidavit may read it over and say : " I
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 " 100 miles of the spot ; " still he has no opportunity of answering the affidavit ; you
 must rest your rule upon it, and indict the witness afterwards for perjury if you think fit.

The witness withdrew.

N.B. By the late Common Law Procedure Act, 1854, affidavits may be used in reply by permission of the Court.

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WILLIAM STRICKLAND COOKSON, Esquire, examined.

568. You have had some experience of the system before the examiners in Chancery ?—
 I have.

569. We are told that it is open to serious objections in various respects, and we are desirous to know your opinion respecting it. Do you think that the present system tends to the elucidation of truth ?—Do you mean the examination *vivâ voce* ?

570. The examination *vivâ voce* before the examiner ?—I think that the examination *vivâ voce* tends to elicit truth, certainly ; but I think the present system of examination *vivâ voce* before the examiner is a very incomplete one, and a very expensive one, and in many respects very unsatisfactory.

571. We are told that one great inconvenience is, that an interval takes place between the examinations of the various witnesses who are to give evidence in a cause ; have you observed that ?—Yes ; I had a case of my own, where we were at issue at the end of the last year, and having arranged with the opposite party as to the admissions which could be given, we applied, I think on the 19th of January, for an appointment for the examination of witnesses *vivâ voce*. I obtained an appointment for the 9th of February, at two o'clock in the afternoon. Of the witnesses whom I wished to examine, the examination in chief was a very short one ; but the cross-examination of the first witness, who was a lady, continued till nearly five o'clock. The examination was not completed, and the next appointment that I could obtain for the further examination of that witness was on the 16th of April.

572. The examination is therefore not concluded ?—No ; not even of that witness.

573. Do you think that that delay enables parties to shape their evidence to meet the particular course which the evidence is taking ?—I cannot doubt it.

574. Do you think it also material that the Court which is to decide the Cause should see the demeanour of the witness ?—I do, where there is dispute as to facts and a conflict of evidence.

575. Then if the court which is to decide it is to see the demeanour of the witness, the Court which decides an appeal must do the same, must it not ?—I think not necessarily.

576. Could you suggest any course by which that could be dispensed with ?—I think that probably the Court of Appeal would look upon the judge in the Court below, so far as regarded the credit of the witness, as exercising the province of a jury ; that the Court above would accept the judgment of the Court below as to the credit of the witnesses.

577. Suppose the appeal was upon the ground that the Court below had miscarried in its conclusions as to fact ; that it had come to a wrong conclusion upon the facts of the case and upon the evidence given ?—The facts would in that case be before the Court of Appeal.

578. Would it not be difficult for the Court of Appeal to say that the judge below had come to a wrong conclusion, which might in a great measure have been dependent upon the demeanour of the witness, without being able to judge whether the Court below had formed an accurate opinion respecting the demeanour of the witness ?—I think it possible that a case of that kind might occur, but I think that such cases would be very infrequent. When the Court above had the whole of the evidence before it, the manner in which the evidence was given would appear upon the report, and the Court would be able probably, without requiring to see the witness and to have the witness re-examined, to judge of the soundness of the decision of the judge below as to the credit of the witness, though possibly not always.

579. In fact, the number of witnesses whose demeanour it is important for the Court to see is very small, is it not ?—I think so.

580. The greater part of the witnesses give evidence upon facts which either are not contested, or which, after the evidence is given, are not liable to be contested ?—I think so.

581. Do you think that a means could be devised by which all that class of evidence could be given by affidavit. For instance, suppose we were to suggest this, which is a plan that has been suggested to the Commissioners, that all the evidence should be given by affidavit as a general rule, but that any party should be at liberty to cross-examine any one of the witnesses before the examiner, upon his affidavit ; or that, in any particular case of any particular witness, he should be at liberty to require him to be examined orally, at the peril of costs in case the Court should think that it was not essential that he should be so brought up ?—With reference to that question, perhaps you would permit me to refer to a report which was made by a committee of the Incorporated Law Society a few years ago. I took an active part in it, and in the preparation of the report ; and with

reference to that we have expressed this opinion :—" The committee are of opinion that " evidence in chief might be taken by affidavit, or on written interrogatories, or *vivâ voce*. " In the first case, a copy of the affidavit should be delivered to the opposing parties, who " should be at liberty to have the witness cross-examined, either upon interrogatories or " *vivâ voce*, or partly upon interrogatories and partly *vivâ voce*, before the examiner or other " officer of the Court authorized to take evidence." They suggest that " the knowledge " by the witness that he is liable to further examination by the party or the Court, would " of itself be a material check against improper evidence in chief being given."

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582. That is, in fact, the system which is now adopted ?—Yes.

583. At present any witness upon affidavit can be cross-examined ?—Yes.

584. The suggestion which we make goes rather beyond that, namely, that the rule should be that all evidence should be given upon affidavit, of course liable to cross-examination in every case, and that the exception should be the examination *vivâ voce* ?—Making the exception to apply, upon sufficient cause shown to the Court, probably that would be very convenient. I have a strong impression that a large proportion of the evidence which is adduced before the Court of Chancery might be given by affidavit.

585. That could only apply in the case of voluntary witnesses, could it ?—I think so. It does not at present occur to me how you could compel a witness to make an affidavit.

586. Of course you could not compel a witness to make an affidavit, but in the case of witnesses who refused to make an affidavit, they might be examined before the examiner in town, and the Court then would have power to say that the costs of such a witness coming up should not be allowed to him, unless the Court should be of opinion that he made out a good ground for refusing to make an affidavit ?—Yes, that would be a check upon witnesses improperly refusing.

587. In that case we apprehend very few witnesses would refuse to make an affidavit, unless upon good reason ?—Yes. I do not think that any large proportion of witnesses would refuse to make affidavit. I have not met with many.

588. There would be a few cases, such as a person who was required to answer about private family matters, which he thought he ought not voluntarily to do ?—Yes, and also a witness having an interest adverse to the party desiring to examine him.

589. Have you observed that the present system before the examiner has been made the means by a witness of extorting from the opposite party wishing to cross-examine him a larger amount for the payment of his expenses and loss of time than he is entitled to ?—No, that has not occurred to me.

590. Do you think that if it were discovered that it was possible to do so, that practice would extend ?—I cannot think it would. We meet with those cases very rarely indeed at common law, of witnesses requiring to be paid their expenses before they are examined.

591. Is there not this difference : At common law, if a witness, requiring to be paid his expenses, refuses to give his evidence, the judge may commit him then and there ?—Yes.

592. But the examiner has no such power ?—No ; but the judge would always order his reasonable expenses to be paid before he would require him to give his evidence.

593. The case which we are putting to you, and which we are informed is the case, is this : Reasonable expenses were tendered and accepted by a hostile witness when the subpoena was given to him ; he appears before the examiner, and says, " Now, I will not " give my evidence unless you give me a certain sum of money, which is what I am " entitled to for my expenses." The examiner is clearly of opinion that he is entitled to nothing of the sort, but the solicitor on the other side, the examiner having no power to commit, rather than lose the day and incur the expense of counsel's attendance, and the expense of summoning again, all of which would be incurred by going to the Court, thinks it better for the interest of his client to pay the money so improperly demanded than to withhold it ?—I never met with a case of the kind, and I should think such a case must stand almost alone.

594. Do you know at common law who determines what the witnesses expenses shall be, when the difficulty arises ?—Eventually, on the taxation of costs, it is decided by the taxing master, subject to revision by the Court, which is scarcely ever applied for.

595. Suppose at Nisi Prius a witness says, " I will not give my evidence till my " expenses are paid ?"—I think in such a case, if the attorney subpoenaing the witness were to state that he had tendered him what he thought was sufficient, the judge would say whether it was sufficient, or what was sufficient, and order the witness to answer.

596. You do not know ?—I do not know.

597. Would there be any difficulty, if necessary, in making a regulation that the solicitor who wishes to cross-examine should deposit the amount demanded with the examiner, and that it should be taxed afterwards ?—I think not.

598. Then the examiner must be armed with the power of committing ?—Yes, in the case of refusal.

599. Or he could not extort the evidence ?—No.

600. Have you at all observed the character of the affidavits which have been filed under the new system ?—I have not seen many.

601. You are not able to say whether they are improved by the facility of cross-examination which is given ?—I have not seen many.

602. We have been informed that that effect has been produced ?—I think if a witness deposing to facts upon affidavit knew that he was liable to cross-examination, he would

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be very careful not to trim an affidavit; the solicitor would take care of that. If the solicitor were unscrupulous enough to put what was substantially untrue upon an affidavit, I think if he knew that his witness was liable to be cross-examined, that would deter him, if he had no better motive.

603. He would give it in his own language, and give his own character to the testimony, and so commit the witness as that it might be difficult to extract the bare truth from him on his cross-examination?—His object in putting forward the witness is to prove some fact which it is important that the witness should establish, and I think that the solicitor would not run the risk of losing the advantage of that witness by showing him unworthy of credit upon cross-examination.

604. It is always open to this, that it is the language of another party, not of the witness?—Certainly; if the witnesses were at all likely to be unscrupulous witnesses, then no doubt a *viva voce* examination from the commencement would be the best, with question and answer taken down.

605. So that the same rule which would apply to the case where you have not unscrupulous witnesses, would not apply to the case where you have?—No; probably not. There is a large proportion of the evidence given in a Court of Equity, which could be given conveniently and satisfactorily by affidavit. We do now act frequently in very important cases upon affidavits.

606. With reference to the practice in your office as a specimen of the practice in solicitor's offices generally, is it the practice, unless the witness who is about to be cross-examined, is a witness with respect to whom you think it of great importance, either from the character of the witness, or from any other reason, that his cross-examination should be conducted by an efficient and competent and experienced person, for you, or for one of the heads of the firm, to attend personally, or would you leave it to the chief clerk, if it were an ordinary case of examining or cross-examining witnesses?—I think if I had to produce a witness, or to obtain an affidavit from a witness, who was liable to cross-examination, I should examine him as if I were the examiner; and I should take his exact answers, and I should endeavour to put them down in the affidavit, as nearly as possible using his words, but altering the arrangement probably, and avoiding repetition. I should endeavour, as far as possible, to give the witness's testimony in his own words.

607. Is it the ordinary course to leave common matters, where you are examining in common cases before the examiner, like any other ordinary business in your office, to your managing clerk; but where there is a witness who you know is to be examined, whom you wish to cross-examine, and with respect to whom you think it of great importance that that cross-examination should be conducted by an experienced person, would you, in the latter case, attend yourself, leaving the other ordinary cases to your managing clerk?—I think that if I considered the case of sufficient importance to attend myself, I should consider it of sufficient importance to employ counsel to attend for the cross-examination.

608. Can you suggest any mode by which the existing difficulty arising from the report of the examiner upon the evidence, not conveying to the Court the demeanour of the witness can be obviated?—No; it does not occur to me. It would be possible, of course, for the examiner to express a general opinion that the demeanour of the witness was not satisfactory, but he must give an opinion either that the witness is stating the truth, or is not stating the truth, and in what particulars, or the Court would not have much assistance from the report.

609. If he reported to the Court that it was desirable that the witness should be examined by the Court, would that be an assistance;—I think the examiner might do so. That would involve two examinations, of course.

610. Of a particular witness?—Certainly.

611. Should that communication, consistently with your opinion of justice, be made privately by the examiner to the Court, the object being this, that if it appears upon the face of the deposition, the witness, when he comes to the Court, will come prepared?—It does not occur to me, that if, after a witness has been examined, cross-examined, and re-examined before the examiner, and has signed his examination, he is called to be examined before the Court, it could fail to occur to him that some doubt existed as to the truthfulness of his testimony.

612. That might be obviated, probably, by the judge saying, whilst the cause was going on, that he should desire to see that witness?—Communications very often take place between the judges sitting in banco, and the particular judge at Nisi Prius who tried the cause, and who went the assizes. He may be the judge of another Court; and the opinion expressed by the judge who tried the cause, as to the degree of credit to be given to the witnesses, I have no doubt very often has influence with the judges; we know that they very often do communicate.

613. From your experience, what would you say as to the proportion of cases in which you think any examination of witnesses by the Court is necessary?—I think a very small proportion. I think that one of the serious objections to the present mode of examination of witnesses who come before the examiner, is the want of power in the examiner to determine what is, and what is not evidence; what questions are proper, and what are not. By the Act of Parliament he has no power to determine the relevancy

of the evidence ; and all that he appears able to do is this : “ Any question or questions which may be objected to, shall be noticed or referred to by the examiner, in or upon the depositions, and he shall state his opinions thereon to the counsel, solicitors, or parties, and shall refer to such statement on the face of the depositions ; but he shall not have power to decide upon the materiality or relevancy of any question or questions.”

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614. What has been suggested upon that is this, that if you give power to determine upon the materiality, it is impossible to know whether what a witness states may not become material with reference to what may be afterwards stated by another witness ?—There may be some difficulty ; but I think that the system at Nisi Prius shows that there is not any real difficulty in it.

615. There you have the judge ?—Yes ; and that leads me to think that in cases of this sort it would be a great advantage that the judge who tries the cause, and has the case before him, should hear the evidence.

616. No doubt, if that could be done consistently with the number of cases in Court, and the difficulty upon appeal ?—I think that a great deal of very irrelevant evidence would be prevented being taken.

617. How are you to get on with twelve causes in the paper, and all the witnesses in attendance in each of those twelve causes ?—I think that if you were to classify the causes, and take care to make convenient arrangements with reference to those causes in which the witnesses were to be examined *vivâ voce*, you would probably not find much difficulty in devoting the necessary time to the examination of the witnesses ; but I think that if the present staff is not sufficient for that purpose it should be increased.

618. What are you to do with the Appellate Courts ?—I have not felt the pressure of that difficulty very much, because I think that almost invariably, as the result of the examination and cross-examination before the judge, you will get at that which all will admit to be the true result as regards the credit of the witness ; and that on the appeal, the appellate judges having before them the whole deposition, will be able to judge as to the credit to be given to the witness.

619. Take this case, which would be a case of not infrequent occurrence, a case in which a given witness had been examined orally before the judge at the hearing of the cause, the evidence of that witness as put down in writing would appear very simple and straightforward, but the demeanour and the manner of that witness might be such as to lead the Court to the conclusion that he was not to be believed upon his oath, that is to say the Court has come to a conclusion adverse to the testimony of that witness. On appeal to the Lords Justices, or the Lord Chancellor, what possible means could they have of judging whether the Vice-Chancellor had come to a right conclusion ?—I think that you would scarcely ever find an instance of a witness's demeanour being such as to lead the judge to discredit him, without something appearing upon the evidence given which would lead him very much to the same result.

620. Does it not often happen, at common law for example, that the jury disbelieve a witness by reason of the mode in which he has given his deposition, although in writing it might appear very straightforward and fair ?—According to my experience I think that is not so. A witness, for instance, being asked a question evades the question or answers wide of the question, and has the question repeated to him ; it is pointed out to him that he has not answered the question, and he again evades ; all that would shew he was a prevaricating witness.

621. If it were put down by a short-hand writer, question and answer ?—Yes ; and I think that a case of anything like prevarication should be so dealt with ; that is a special case which would certainly require that it should be so put down, and I think that the examiner should do, what he is authorized to do in such a case, report the question and answer.

622. Put the converse case, which has been suggested to us by another gentleman who has been under examination, a case we think occurring to himself, that of a witness who, as he verily believed, and as the examiner may have believed, was really stating the truth on the occasion of his being examined, but it appeared in the course of his cross-examination that he had been bankrupt half a dozen of times, or that he had been remanded for fraud in a case where he had been taking the benefit of the Insolvent Debtors' Court, or that he had been imprisoned for various offences, all that appearing upon paper would of course lead a person reading it to disbelieve him, and yet might not the judge from the manner in which he gave his evidence, taking it altogether, conclude that he was speaking the truth ?—Yes ; I think so.

623. How in such a case would the Appellate Court have the means of forming a judgment upon that subject without examining the witness again ?—I think that, taking the examination in such a case as that, and reading the whole examination, the Appellate Court would see that the narrative was a consistent and fair statement, that there was no withholding of information by the witness, no disposition, so far as the deposition itself went, to conceal anything, or to mistake anything. That would appear upon the narrative itself of the witness's evidence, and it would enable the Appellate Court to see that the witness had really been speaking the truth though he had been a bankrupt.

624. In the winding-up cases was it not found that the taking down of the whole of the evidence by a short-hand writer, in the form of question and answer, was

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extremely expensive, and almost unmanageable from its great length?—I have had no experience in the winding-up cases.

625. In several cases which have been stated to the Commission, both of that description and of others, the evidence which was taken down by question and answer was so voluminous as to be almost unmanageable. In all those cases it would be necessary also to give the counsel copies of it upon the appeal?—Yes.

626. Can you suggest any means by which that difficulty can be got over, which at the same time would not be open to this objection, that the Court of Appeal would not know what had taken place before the court below?—The Commissioners, are, of course, aware that the practice in the committees of the House of Commons upon election petitions is to have a short-hand writer who takes down the whole of the evidence in question and answer, and the evidence of the day is copied out immediately after the committee rises, and copies are furnished each day of the evidence. Those copies are put into the hands of counsel, before the meeting of the committee on the following day, and though, undoubtedly, when an election petition has been going on for a great many days the expense is considerable, yet counsel are able, without any very great labour, to take out of that evidence those parts which are important for the purposes of their addresses to the committee.

627. Has not the expense of those election petitions in a great number of cases either induced parties not to enter into the discussion, or driven them to a compromise?—No doubt that has been the case very often. The expense of election petitions is notoriously very great, but one reason is (and I have been engaged myself in some) that we have witnesses in town for a very long time. We may be engaged, perhaps, for the sitting member, who does not feel it safe not to have the witnesses in town very soon after the committee first meets. You have to keep all those witnesses in town during the whole progress of the investigation, perhaps spending 100*l.* a day upon the witnesses alone. Then it has been the practice also to have a great number of counsel on on each side in those committees, and the fees to counsel are upon a higher scale.

628. Are not the short-hand writer's notes very expensive before committees?—Undoubtedly they are expensive, but I think they do not form any very large proportion of the expense.

629. When you say that the counsel are able to extract the genuine evidence from the short-hand writer's notes, do you mean counsel who have had an opportunity of attending?—Yes; with respect to the Court of Chancery, when a case has been disposed of in the Court below, and an appeal is presented, that portion of the evidence upon which there may be any dispute may form a very small proportion of the whole evidence given in the cause below, and very likely in a very large proportion of the cases of appeal there will not be an appeal as to a right conclusion upon matters of fact, but as to the law arising from them.

630. Do not you find in disputed cases that questions of fact are mainly contested?—A very small proportion of the cases at *Nisi Prius* which go down again, go down because the Court is not satisfied that the verdict is according to the evidence.

631. In the cases under the Winding-up Act you have had no experience?—No.

632. Could you inform us what the expense of the short-hand writer has been in any of those committees of the House of Commons in which you have been engaged, including all the copies for counsel?—I could do that.

633. And what you considered to be the proper fee to counsel. Did you give him a fee upon the evidence which was taken?—No.

634. You were in the habit of giving him ten guineas a day?—Ten guineas a day, and each counsel had five guineas upon consultation, which we had almost as a matter of course every day.

635. You are aware that the examiner, according to the present system, reduces the deposition into a narrative?—Yes.

636. Has it occurred to you that it might tend to diminish the evil if the counsel who was to cross-examine should require as to a particular witness, or any part of the cross-examination of a particular witness, the deposition to be taken down, question and answer, although the main portion of the evidence might have been, as it now is, reduced into a narrative by the examiner?—I was under the impression that that was contemplated by the Legislature when they passed the clause to which I was referring, which gives the examiner the power, although he is directed ordinarily to give the evidence in the shape of a narrative, to put down any particular question or answer.

637. Would it be expedient that the counsel should have the right to require the examiner to do it with regard to a particular witness or a particular portion of a witness's cross-examination, where he thinks it of importance that the Court should have before it, not merely the narrative of what was deposed to, but every question and answer which he chooses to require?—Yes. I think if it were done at the risk of costs, it would be desirable. I believe that in the cases to which I have alluded, there has already been, on the cross-examination of the witness, a great deal of matter that will turn out to be quite irrelevant to the question at issue.

638. Is not that the case very often at *Nisi Prius*?—Not so often; at least it does not often happen at *Nisi Prius* that evidence is admitted which is not bearing upon the

issue. However far the evidence may be from any question really at issue in the cause, it does not appear to me that if the counsel perseveres in his cross-examination, the examiner has any power to stop him.

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639. Are the examinations before the examiner generally attended by counsel?—I believe they are.

640. Do you know whether by one or more counsel?—I have known cases where two counsel have attended on one side. Sometimes, and I believe that it is becoming the practice, a gentleman is had from the common law bar to conduct the examination.

641. Have you any means of forming a judgment as to the proportion of causes in Chancery, in which it is thought expedient or necessary to examine witnesses orally; in what per centage of the causes it has been found necessary?—I would hardly venture to state any percentage, but the number must be very small according to my experience.

642. Should you think it amounted to one-fourth part?—No; not to one-tenth.

643. Supposing there are very many parties in the cause as there are frequently in the Court of Chancery, eight or ten parties, or more, are there counsel and solicitor for each of those parties?—On the examination of witnesses on behalf of the plaintiff, the several defendants who might be affected by the evidence given would, of course, be entitled to attend.

644. Just as they do in Court, a counsel for each?—But on the examination of a defendant's witness, I apprehend that the co-defendants would not be entitled to attend.

645. That would be the case if their interests were all precisely similar, but they might have different interests to a certain extent, might they not, though they were defendants in the same suit?—They might. I do not at this moment think where the evidence is given by one defendant they would take that as evidence against another.

646. Is there any other suggestion which you have to make, that you think might be useful to us?—It does not occur to me that there is any other. What just at this moment is pressing most strongly upon me is the necessity of some means of keeping the parties, when before the examiner, within something like legitimate limits in the examination of witnesses, for the expense is very great and the delay is enormous. In the case to which I have alluded, where so long a delay occurs, as from the 9th of February to the 16th of April, before we can get another appointment, the parties opposing in the meantime have an opportunity, of which, of course, they will avail themselves, of inquiring for other witnesses, and if this case goes on in this way, we may be four or five years before we have the means of completing the evidence.

647. And many witnesses may die?—Witnesses may die. It occurred to me, if the present examiners were not sufficient for the purposes of the Court, whether it would not be possible for the Court to appoint special examiners from the bar. At Doctors Commons they have half a dozen or more proctors who act as examiners; they are men in general practice; but they take the business in turn, or according to the convenience of the parties. Parties go to an examiner, I believe, and say, "I have got a case with so many witnesses, such a length of time will probably be occupied, are you able to take them?" Then they go through the examination at once. In my case for instance, if there had been a special examiner, a member of the bar, who could have been appointed *pro hac vice* to take the evidence, probably it would not have occupied two days.

648. How do you propose to pay those special examiners?—According to the time occupied, and the duty performed.

649. By the parties?—Yes, certainly.

650. You are aware that there is an Act of Parliament now existing, which enables the appointment of additional examiners?—The Act of 1852, in the 31st section says, that "all witnesses are to be examined orally under the provisions of this Act, shall be so examined by or before one of the examiners of the Court, or by or before an examiner, "to be specially appointed by the Court."

651. Have you found that parties have often availed themselves of that provision of the Act which enables the Court to appoint a special examiner?—Not in town; we have considered that the ordinary examiners were the persons to whom we were referred for the examination of our witnesses. No appointment has yet been made that I have heard of under this Act, of a special examiner.

652. There have been several?—That would be very convenient indeed.

653. With respect to what you stated as to the examiners at Doctors Commons, there being five or six, or more, proctors appointed, (we believe there are more,) it is done in this way, the registrars are the examiners, but as they have not time to take all, just as the examiners in Chancery have not time, they select a number of proctors whom they think competent to the task, and they propose to the judge that they should be the examiners, and with his approbation, they are appointed and are ready to take the causes?—Yes, I was aware that that was the form, but in fact, although the proctors are not appointed they are approved by the judge, which is the same thing. I think if I had known that it was the practice in Chancery for the judge to appoint special examiners, when I found such a delay as this, I should certainly have asked for one in this case of mine.

The witness withdrew.

Adjourned.

Tuesday, 20th March 1855.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

E. Weatherall, Esq.

EDWARD WEATHERALL, Esquire, examined.

20th March 1855.

654. We wish to have some information from you respecting the working of the registrar's office, and any improvements which you think could be made therein. You have been a solicitor in great practice for many years?—Yes.

655. And have had great experience in the working of suits in Chancery?—Yes, constant practice.

656. What is the usual time between the pronouncing of an order of the Court in a contested case and getting the minutes finally settled by the registrars?—It varies. It depends upon the registrar drawing up the order,—some are more expeditious than others. It also depends upon the assistance which the registrar receives from the solicitor; for instance, whether all the documents are immediately left with him; if they are not, he is delayed in giving out the minutes of the order until they are. Again, if he has taken an imperfect minute of the order pronounced, the minutes he delivers out are more or less inaccurate. On receiving the minutes from the registrar, each solicitor then endeavours to correct them, and for this purpose they meet before the registrar, pursuant to notices served by one of them; and, probably, when they meet, each differs in the terms he wishes the order to be drawn up, and an adjournment takes place that each may consult counsel. Probably, two or three subsequent meetings are held and they cannot agree. The registrar, from not having a perfect note, cannot decide which is correct, but he settles the minutes in the terms that he thinks correct, and adjourns the final settlement of them over a seal day, that the party dissatisfied may have an opportunity to apply to the Court. After the minutes are settled, a solicitor often experiences still several days' delay before he gets the order passed. Formerly the registrars used to enter the exhibits and evidence in the cause in their book during the time the cause was in hearing, but now I think this is seldom done; it is left for the solicitors to furnish a list of affidavits and exhibits read on each side. For this extra work nothing is allowed to the solicitor, although it takes up time and requires consideration. Discussions frequently ensue upon the question whether the list is correct or not. Again, the registrar does not generally enter in his book, during the hearing, the names of the counsel appearing and the parties they represent. This is occasioned sometimes by counsel being absent or not declaring for whom they appear. He, therefore, requires, before passing the order, that the briefs of counsel be produced to him that he may record in his book their appearance. I have above spoken of a contested case, but, on an average, I think any order than an *ex-parte* order cannot be obtained from the registrar in less than a fortnight or three weeks.

657. That is to say, even one which is not opposed?—Even one not opposed, such as an application at Chambers to pay purchase money into Court. I have never been able to get such an order from the registrars under a fortnight, sometimes three weeks.

658. In long and contested cases it frequently exceeds that time, does not it?—Yes; but it depends upon the nature of the decree more than upon its being a long and contested cause.

659. A long decree, I mean?—A long decree will take more time than a short one, but it may be very simple in its form; it may only require the heading and tailing of inquiries, the substance being in fact the judgment of the Court.

660. It frequently happens that a decree is not drawn up for a great length of time because the parties themselves do not apply for it?—Yes.

661. In consequence of that, it sometimes happens that several months elapse?—Yes.

662. Can you suggest any means by which that evil could be remedied?—At present I think the length of time given to the plaintiff is very long; I mean to leave documents and to bespeak the decree or order. If the decree was pronounced to-day, I should not, under a week or ten days, be able to move on behalf of the defendant. The plaintiff has the precedence, and the defendant is delayed for that time before his papers are received. Almost all the original documents are in the plaintiff's possession, and many of them are wanted by the registrar.

663. After a plaintiff has bespoken a decree, how long has he to take in his papers?—If the plaintiff's solicitor knows his profession, he leaves all documents at the same time he bespeaks the decree.

664. Is there any limit to the time in which a plaintiff may delay bespeaking a decree?—No more than I think by the 48th order of April 1828, the plaintiff has the carriage of it for two months; but in practice I think the registrars will receive the defendant's papers in a week or ten days.

665. If a plaintiff has got a decree which he does not like, and which the defendant does like, and the defendant goes to bespeak the decree, within what time can he bespeak it?—

It depends upon whether it is a decree (as far as I can understand the rule) which the plaintiff has something to do under; if so, he retains control over the order, and a defendant cannot bespeak it for a week or ten days. Then if it is not bespoken within that time, the registrar will take in the defendant's papers, and prepare the decree; but then you will find there is a difficulty in perfecting it from want of papers which the registrars require to be lodged with them.

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666. Will you state in the first place what are the steps which a plaintiff would take when he bespeaks a decree, and afterwards the steps which a defendant would take?—The plaintiff would take the brief of his counsel endorsed, and office copies of affidavits, with the Accountant General's certificate, if the order applied to money in Court.

667. What would be the next step?—Then the registrars, in about a week (sometimes longer, sometimes shorter, the earliest would be about three or four days,) would give you a rough minute of the order.

668. Without the presence of the defendant?—Without the presence of anybody.

669. What is the next step?—A notice is given to settle the minutes. They are often delivered out in an imperfect state, and then the solicitors have to put them in what they conceive the proper frame of order, and all parties attend the registrar to settle them.

670. That notice is given to all the defendants?—Yes; to all parties interested in the order.

671. One clear day's notice is given?—That is expected; but very often it is given one day for the next, if expedition is an object.

672. Suppose the defendants do not attend?—The registrars will then very often say, "It is an important order, give another notice," instead of settling the minutes at once.

673. What if they do not attend upon the second notice?—It depends upon the nature of the minutes. I feel that adjournments are too often given.

674. Is there any precedent by which the attendance is peremptory?—None; the registrar can settle them when he pleases.

675. Is that often done?—Not very often, until you have had two or three meetings before him.

676. When you have a meeting before the registrar, do you discuss the minutes before him?—Yes; he sees the alterations sought to be made, and he hears the reasons assigned for them.

677. Upon the disputed points?—Yes; the parties discuss the alterations. Very often one side will say to the other, "You want these alterations; let me have another appointment, so that I may consider your alterations, and consult my counsel;" and this is usually acceded to.

678. How many meetings have you known take place before a registrar in passing an order?—Seven, eight, or nine, and I have never known less, I think, than two or three, where there has been any serious alteration sought to be made.

679. If the Court pronounced very accurately the order at the time when the decree was pronounced, would not that diminish the attendances before the registrar?—No doubt it would to a very great extent. To-day I have been settling the minutes of an order of the 17th of February. I have not been able till to-day to have them settled. They were minutes to be acted upon by the Accountant General, and there was a great deal of difficulty in carrying the funds over to the proper accounts. It was a simple case, seeking the division of some funds. I must add, that a great portion of this delay was occasioned by the negligence of the solicitors not furnishing the registrar with proper documents.

680. Do you think that you could from any cases,—for instance, your cases in the last year, or the like,—make a return without much difficulty of the day on which the decree was pronounced, and the day on which the decree was settled?—We do not pay for minutes now, and I do not think I should be able to tell you when the decree was settled.

681. In a case where the defendant applies to pass the order, and there is something to be done by the plaintiff which he does not like, what is the course which is then taken? First there would be about ten days, you say, before the registrar would take it up?—Yes, as soon as the registrar received the defendant's documents the registrar would deliver out the minutes, and proceed with the settlement of them, in the same manner as a plaintiff would do; the difference only being that the initiative is taken by the defendant's instead of by the plaintiff's solicitor.

682. If the plaintiff does not attend when the defendant applies to pass the order, and the registrar has given minutes to the defendant, you serve the plaintiff the next day or the next day but one?—Yes.

683. If the plaintiff will not bring in any papers, and will not attend, what do you do?—You are obliged to threaten him with an application to the Court, and all sorts of threats, to induce him to leave them, which occasions delay.

684. By that means you ultimately obtain them?—Hitherto I have succeeded in obtaining them in that way.

685. It takes a considerable time?—Several days.

686. Upon all these occasions is it necessary to go before the registrar?—No; sometimes we do not see him. For instance, if there are only trifling alterations, or the alterations are agreed to by all parties, they are handed in to the registrar's clerk, who delivers them, if necessary, to the registrar, and he looks over them alone.

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687. Have the registrars any convenience for disposing of business? These questions are discussed, as we understand, very often with a good deal of warmth, before the registrars?—Sometimes they are, but not always.

688. They sit in a room for the most part together, do not they?—Two in a room, with the exception of three, each of whom has a room to himself.

689. Are the clerks also in the room?—No.

690. Is there ever more than one case going on at the same time?—No; not before the same registrar. There are perhaps two or three solicitors waiting to address him.

691. I mean before both registrars?—They have two or three cases waiting before them, as persons give their notices for attendance at the same time. Twelve o'clock and one o'clock are the most busy hours.

692. Two registrars sit in the same room together?—Yes.

693. May there be at the same time each registrar hearing a contested discussion of minutes in the same room?—Yes, each hearing a discussion of minutes upon different orders.

694. Does not that create great confusion?—It creates some confusion certainly; it is not so pleasant as if it were not so; it distracts the attention to some extent.

695. There is greater noise?—No doubt.

696. And greater difficulty in attending accurately to what is going on?—To some extent it must interfere with it, but not to so great an extent as to render it serious, at least I have not found it so, but some of the registrars complain.

697. The registrar has to decide these points between the litigant parties?—Yes.

698. And that where they are not satisfied causes applications to the Court?—Yes.

699. I think, according to experience, applications are not made to the Court excepting in decrees that have been pronounced some two or three months?—Very likely.

700. Can you tell about the time at which you think an application is made to the Court to say what the order was that it pronounced after the parties have been unable to agree upon the matter before the registrar?—I should think very seldom under three weeks or a month; taking the time usually consumed, it cannot be less, because the parties must go before the registrar to discuss the minutes, and it takes time to hand over the papers and consult counsel on the minutes; then they frequently go again before the registrar. I should think at least they could not come before the Court in less than a month or six weeks under the present system.

701. Do you think it would afford any facility in drawing up decrees and cause less time to be occupied with them if each paragraph in the decree was separately numbered in the same way as is now done with Bills and Answers?—I do not think that it would.

702. Is not that done sometimes where inquiries as to accounts are directed?—Yes.

703. Would it diminish the time occupied in drawing up the decree if the formal parts were considered to be introduced into the decree without being mentioned? At present at the end of the decree if it be to obtain money out of Court there is a long form about the Accountant General attending the cashier of the Bank, is there not?—Yes, it is about a folio.

704. Would it shorten the time in which decrees are obtained if that could be omitted altogether?—It would shorten the time to the extent of writing a folio.

705. But merely to that extent?—Merely to that extent.

706. It would not diminish the meetings?—Not at all; that part is merely a formal part of the order, which very few solicitors, I suppose, look at; certainly no discussion is occasioned by it.

707. There are several formal parts of a decree?—Yes, but chiefly relating to the Accountant General.

708. That observation would apply to the whole of those parts?—Yes.

709. Can you make any suggestion by which you think the time in which a decree is passed and entered could be shortened after the time of pronouncing it?—It is difficult to do so, for the registrars say they are fully engaged in drawing up orders; and if so, of course they want more assistance.

710. Would not there be an advantage also in having the minutes settled very speedily after the decree was pronounced, inasmuch as persons who had heard the decree would be less likely to dispute respecting what had been actually said?—Certainly; the earlier the decrees are settled after they have been pronounced the more likely they are to be correct.

711. Can you suggest any means by which a person who applies for a decree should be limited as to time, and should not be allowed to obtain a decree six months after it has been pronounced; or do you think that that would be desirable?—I think that it would be desirable to limit the plaintiff's right to bespeak a decree; but otherwise either party should have an opportunity of bespeaking it as soon as he wishes to do so. I do not think it advisable to compel parties to draw up orders. It would sometimes prevent a compromise.

712. I have had a case before me of an application to settle the minutes of a decree which had been pronounced I think ten months before?—That involves a re-hearing to call back attention to all the points.

713. Do you think that that could be prevented?—I cannot conceive how you can prevent it. In the Court of Exchequer we never used to have such difficulties. There we had

a master sitting who did the duty of the registrar. He was present in Court, and he took down the order of the Court. The clerk in Court drew up the order in proper form, and handed over a copy to the other side, informing them that unless objected to within four days, or some limited time, he should pass the order, and if not objected to, he passed the order.

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714. Without anybody applying for it?—Without anybody applying for it, other than the solicitor, who bespoke it. In Chancery we have delay; very often the registrar wants the names of counsel; he has not in his book any entry of the counsel who appeared for the different parties; all the parties are required to produce their counsels' briefs; they will not always do it, and it creates delay.

715. What you have stated was the invariable practice in the Exchequer?—It was. I always found it so. I have received a copy of an order with the intimation indorsed, "This order will be passed on such a day, unless cause is shown to the contrary." I looked through it. If I saw any objection I returned it with the alteration which I proposed; if it was not acceded to, a warrant was be taken out before the master, who, referring to his own note of the order, decided between the parties at once.

716. Was that copy sent in the Exchequer by the solicitor, or the other side?—No; by the clerk in court of the party drawing up the order.

717. The clerk in court, in fact, in Chancery is now superseded by the solicitor?—Yes.

718. The clerk in court was a species of standing solicitor?—He was; he settled the form and substance of the order, and, if objected to, then the Master decided who was right.

719. Is not the same end obtained which you say was obtained by the practice of the Exchequer, by the practice which you say now prevails of the registrar preparing the draft minutes, and handing them out to the parties?—No; because they come out frequently imperfect, being drawn by a person not knowing the merits of the case. Very often the clerk in court drawing up the order in the Exchequer would apply to the solicitor instructing him for information before he settled the order. I think that no one can draw a correct order without knowing the case.

720. Do you find that any inconvenience arises with respect to drawing up decrees in the registrar's office, by reason of the circumstance that the same registrar has not attended throughout the whole of the hearing of the cause?—No doubt there does. This is sometimes the cause of the adjournment of a meeting. If it is necessary to know what took place on a certain day, and if that registrar is in court, the meeting must be postponed; and perhaps such other registrar cannot be in the office on the morrow, and the matter is obliged to go over for a day or two.

721. If the same registrar heard the cause throughout there would be less difficulty in drawing up the order?—I think a great deal; because, if the registrar attended the hearing of the cause, he would know the merits, and be better able to give a correct order.

722. Do you find practically that inconvenience arises by reason of points being raised before the registrar which have not been distinctly drawn to the notice of the Court?—It does occasionally occur, but not frequently, to my knowledge.

723. If I correctly understand the foundation of the minutes, they are taken by the registrar from the endorsement on counsel's brief?—And his own minutes taken by him in court.

724. Do you find in general that the endorsements on counsel's briefs are so distinct, and so detailed, as to assist the registrar in that respect?—I find the registrars' and counsel's minutes very much alike; I think very often that the counsel's brief is the foundation of the minutes delivered out by the registrar.

725. It is, therefore, of great importance that it should be accurately endorsed?—Yes.

726. Do not the counsel usually endorse that part of the order which is essential for their client?—Sometimes you will find a full endorsement; generally the plaintiff's counsel gives a full endorsement, but the defendant's counsel sometimes merely endorse their briefs to the extent to which their clients are interested.

727. They are sometimes prevented by the next case being called before they have endorsed their brief?—Exactly so.

728. Do you find the minutes taken by the registrars usually very accurate?—I think they are not so accurate as they would be if read over in Court; they sometimes are very accurate, and sometimes quite the contrary.

729. Are they generally more accurate than the briefs of counsel?—I cannot say. My opinion is, that very often the briefs of counsel are handed in to the registrar, and you find that the registrar's minute is exactly the same as the minute of the counsel.

730. Are you aware of any complaint of the non-attendance of the clerks of the registrars at the proper hour in the morning?—They never come (as far as I have seen) till about eleven o'clock, and my opinion is that there ought to be a longer attendance at the office, if from eleven till three is not sufficient to prevent the present delay in delivering out of orders.

731. Are they only there from eleven till three; ten is their hour?—Ten is the junior clerks' hour; the registrars themselves, I believe, do not come till eleven.

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732. The registrar has no control ; but is it not the duty of the clerks to be there at an earlier hour ?—Ten o'clock is the junior clerks' hour, but the registrars themselves are not expected till eleven, except those who are attending the Court.

733. The registrars who are off Court duty only attend from eleven till three ?—Yes.

734. Do none of the clerks in the registrar's office attend after three o'clock ?—I think not, excepting to put away their papers ; the door is closed : I am speaking as a general rule.

735. Nobody can get in ?—No ; unless you have the special permission of a registrar.

736. How many registrars are there in attendance upon the Court ?—There are five Courts, and there must be five registrars.

737. Six sometimes, when the Lord Chancellor is sitting ?—Yes.

738. How many registrars are there not in attendance ?—There are eleven altogether. I do not know how they keep their rota, that is kept by themselves ; sometimes I find that a registrar is not there for two, three, or four days ; how that happens I do not know.

739. Have the registrars any control over their clerks ?—I believe not, and they have complained of that, and given it as a reason why the business was sometimes not attended to.

740. Do you think it would be desirable to have a return periodically made of the attendances of the registrars and their clerks in the office ?—I think it would be, if it were known that it would be laid before the Judges of the Court.

741. With the time of their attendances ?—Yes.

742. Do you find parties neglect to attend notices for settling minutes of decrees ?—On behalf of solicitors ?

743. Yes, very frequently, or they send some incompetent person who knows nothing at all about the matter.

744. That would be one considerable cause of impediment ?—No doubt of it.

745. Do you find the attendance of the registrars in Court obstruct the completion of their business in the offices ?—Yes ; because if you attend them to settle the minutes, and do not agree, you cannot attend on the next day, because the registrar will be in Court. You must, therefore, go over till the next day, and if he is in Court on that day, you must go over to another day.

746. Do you conceive that anything could be done in the shape of making an arrangement for passing common form decrees, without the intervention of the registrars themselves, where the decree merely directs the usual accounts to be taken ?—Yes ; I do not consider that the common administration accounts require the attendance of a registrar at all.

747. In the case of a common administration decree is it not done, not by the registrars personally, but by their clerks ?—No ; all decrees are passed by the registrar himself.

748. Do you think any advantage would be gained by having the minutes of the decrees settled by counsel, and fees allowed for the settlement of the minutes ?—I think the counsel's minutes would only go to the special directions, not to the formal parts. I hardly ever saw a minute of counsel that went to the formal parts ; and if the registrar took down a correct note, or the Court took care to have the judgment written down in a special order, no benefit would be derived by the assistance of counsel.

749. In some cases counsel are employed to draw the whole decree ?—No doubt of it.

750. Cases of intricacy ?—Yes, and some that are not intricate.

751. No fee is allowed for that, is it ?—It would be as between solicitor and client, if it were a proper case.

752. If there were a registrar in the office whose duty it was to supply the mere formal parts, and the minutes were settled by counsel, would not it expedite matters a good deal ?—The other counsel, perhaps, would not agree upon the minute, and I do not see how we should get which was the correct minute determined. We should have then the same difficulty as now.

753. Do you think that in common administration suits, where there is nothing special at all, the decree might be drawn simply in this form : "Direct the usual accounts of the personal estate," or "Direct the usual accounts of the personal and real estate," without more in the decree. Might not that decree be entirely worked out in chambers, without any special directions, if there were a general order to the effect that such a decree should have such an operation ?—No doubt of it.

754. Such a decree would not take ten minutes ?—No. In a case in my office where the decree would not take five minutes, one directing only a sum of money to be paid out, I have been a fortnight before I could get the minutes from the registrar.

755. To what do you attribute that ?—I have complained of it, and they state that it arises from a pressure occasioned by two registrars being ill.

756. Is it not the case that a good deal of the difficulty and delay in settling the minutes arises as to what the evidence was on both sides ?—The delays are various ; taken separately not very serious, but which, when put together, amount to a serious delay. For instance, first of all the registrars do not enter the evidence in Court, as formerly, they seem to have got off doing that. Latterly, they require the solicitors to give them a list of all the evidence. That takes time. Then there is often a dispute about the evidence or extracts having been read. These points are important, because the taxing masters will allow the costs of the evidence if entered as read.

757. Do you think the evil could be cured by allowing counsel to settle the minutes before the decree is heard, and by a copy of the minutes being handed up to the Judge, with the prayer of the bill?—No. *E. Weatherall, Esq.*
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758. In motions for decree, I suppose counsel are usually instructed to prepare the notice of motion?—No, I believe not. It having been decided that a general notice is sufficient, I believe that is generally followed. Before the decision counsel were instructed to prepare the notice, because it was thought doubtful whether the plaintiff was not obliged to state what relief he thought he was entitled to; now it is a short general notice. At first the notice was very generally laid before counsel because it was thought that you must state the relief which you were entitled to, and if you asked more you would be fixed with costs.

759. You have spoken of the practice in the Exchequer; was not there a greater degree of precision in the minutes taken in the Exchequer than there is here?—I do not know. As soon as a case was heard, the master took down the minutes, and they were very anxious always to have counsel's brief, so that they might take a perfect minute; no doubt the counsel's brief assisted them.

760. In the Exchequer, what was the form of bringing the matter before the Court when there was an objection; was it by exception?—Notice of motion.

761. There were very few such cases in the Exchequer?—Very few. I would suggest that if the plaintiff's solicitor were to draw the minutes and hand them to the registrar, and getting his sanction to the terms of the order, he should serve all parties with a copy, and give notice that the order would be settled in that form unless on such a day cause was shown to the contrary.

762. What do you think would be a reasonable time within which to require the plaintiff's or defendant's solicitor; that is to say, the party who has got the order, to bring into the registrar's office the papers necessary for preparing the minutes?—I should think two or three days; within that time all documents by all parties should be left.

763. Would there be any reason why there should not be a requisition that the solicitor of each party should, within some limited time, bring in the necessary papers—the counsel's brief, or any other papers necessary for preparing the decree?—I do not see any.

764. Do you see any reason why you should not be required to do that within three days, or some short limited time?—No, there is no reason. The defendant's briefs, of course, would be of no use to the registrar, except to enter the appearances.

765. Whatever papers are necessary, whoever is to bring them in should do so in a very short time?—Yes.

766. Do you think that if that were made a requisition, it would tend, though it would not produce the full effect, to expedite the drawing up of decrees?—Yes, I think it would save time.

767. Do you consider that there really is such a pressure upon the registrars that it necessarily produces considerable delay?—I do not think there is such a pressure as is represented. I think there is a pressure upon them occasionally.

768. The clerks of the Judges attend from ten o'clock till four, and sometimes till five, do not they?—Yes; the registrars attend from eleven till three, and they say they require the other time to draw their orders. I should think if a little more time were devoted to the office it would be desirable.

769. Could they draw the minutes in the office?—I should think they could; in fact, the minutes are principally but the counsel's endorsements put into a more formal shape.

770. Would it facilitate the drawing of the minutes if they had each a separate room?—It depends upon the individual who sits there; some cannot do business with other business going on in the place where they are sitting; others can.

771. It depends upon a man's powers of abstraction?—Just so.

772. Do not many of them proceed to settle minutes while attending Court?—I have not seen that. I have sometimes seen them deliver a minute out, but never do anything more than that. Very often they read over their orders whilst they are in Court, and pass them; but whilst they are reading over the order they scarcely can listen to the debate that is going on in Court, which I think would be useful, and save time in drawing out the minutes.

773. Do you think it would tend to facilitate the drawing up of a decree if at the end of the hearing of every case the Judge were to pause, in order to give time for counsel to prepare their minutes in a more full and accurate manner by way of endorsement upon their briefs, and then to have them read to the Judge, in order that they might be settled before the next case was called, so that there might be no controversy afterwards upon the subject?—I think it would be very desirable if counsel agreed upon their minutes before the cause was parted with. It would save a great deal of time, because at present when you come before the registrar one party produces a note differing from the other.

774. You say in the Exchequer the master used frequently to ask counsel for their briefs immediately afterwards?—Yes.

775. In the Queen's Bench, in matters in Banc, the briefs of counsel are handed to the officer, are they not?—Yes, immediately; they are handed in to the clerk of the rules, who draws up the rule.

776. And he draws it up without any further proceedings?—Yes; if you apply to him he gives it out to you.

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777. Do you think that it would be a convenience if that were done in Chancery?—I think it would be, if the Court had the endorsements read over in court.

778. Suppose the briefs were handed in, and it was then his duty to prepare the minutes of the decree, without anybody bespeaking them for the solicitor as soon as he applied?—Yes.

779. The registrar would have taken down evidence; he does not want to read the evidence?—A rule in the Queen's Bench is much more simple than a decree.

780. Would not the registrar take down the names of the witnesses and the exhibits while in Court?—He ought to do it; they used to do it; they do not do it now so generally as formerly.

781. Could anything be done by fixing a day in each week to have the minutes of decrees nominally read over, on which day the minutes of the decree should be finally settled after hearing the cause. I mean nominally read over, in the sense that it might not be necessary in all cases to do it?—No. If the registrar read to the Court the minute of the order, as taken down, you would at the hearing secure everything proposed to be obtained in this question.

782. That would leave only the formal part to be settled?—Yes.

783. Sometimes the counsel is intent upon one particular point of the case, and another which is material and necessary is omitted?—Just so.

784. Then a great discussion arises in preparing the decree upon that point?—Yes; but if before the leading counsel for the plaintiff left the Court he endorsed his brief and handed it round to the other gentlemen, they would see whether it agreed with theirs; if not, the Judge could then be spoken to upon it; if it did agree the registrar could act.

785. If that counsel is a leading counsel in the Court, so as to be engaged in several successive cases, does not the necessity of his directing his attention to the case which he is next to open tend to prevent that, unless the Judge pauses to give time for it?—No doubt; but then his junior could assist him.

786. Do you find inconvenience arising from the difficulty of getting a consultation with counsel until just the moment before the cause is heard?—Yes; it is scarcely ever that you get a consultation worth having.

787. If there were a rule laid down that no cause should be heard without a copy of the minutes being sent up with the prayer of the Bill, would not that compel causes to be brought into Court better prepared for hearing?—Yes, to some extent; but it would not meet the difficulty.

788. Counsel would be compelled to settle the minute?—Yes; it would occasion more expense, as each party would consult counsel on the minutes.

789. Would not there be this inconvenience: it sometimes happens that a cause is in the paper, but you cannot be certain when it will be heard; it may be heard on the same day, it may be three weeks hence, and counsel (I speak from my own recollection) who has read a brief a fortnight ago has forgotten it in a great measure, then he would have to read it over again?—Yes; very often the matter stands over certainly for a long while, but I do not see how this affects the decree.

790. Counsel do not remember it accurately and with that minuteness which is necessary?—No; they are obliged of course to go over the papers again.

791. Does not a good deal of misunderstanding arise in consequence of counsel on one side not clearly knowing what counsel on the other side are going to ask or have asked?—It is a difficult thing to anticipate what a decree will be; there is the difficulty of knowing what will be the judgment of the Court; each counsel seeks for everything, and very often more is obtained than is anticipated; and if counsel were to be bound by their minute delivered to the Court, it would place them in a difficult position.

792. They sometimes ask what they think they will not get, but they take the chance?—Yes, with the chance of getting something.

793. Does it not also sometimes happen that in the hearing of causes, new lights occur which never suggested themselves to anybody before, from the mere conflict of discussion?—No doubt it is so; I know of one case of that kind where a party succeeded to a very large amount.

794. Which he had not anticipated before?—Yes, where he had been told he would fail.

795. Without binding parties entirely by the minutes, the benefit which I should conceive would result would be this,—precision would be arrived at and the Judge would alter the minute according to his opinion, which was formed at the time?—It might convey to the mind of the Judge that the individual who had framed the minutes had considered he was only entitled to what he had asked.

796. Would it not be better if it were done upon the spot immediately after the discussion, giving time to the counsel to prepare the minute instead of having it postponed?—Most certainly; but it would take some time.

797. So would the other course, if you were to have a day fixed for all causes to be spoken to upon the minutes?—Yes.

798. Would it not be much more; because a certain time must have elapsed when recollection would be less vivid?—Yes.

799. In fact, if that were done, it would be making the Court do the registrar's work? *E. Weatherall, Esq.*
 —Quite so; but the speed with which causes are called on prevents a registrar taking
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800. In old times was not it frequently the case that the Judge, after hearing the cause and after delivering his judgment, leaned over to the registrar and enunciated with a considerable degree of accuracy and minuteness the terms of the decree; do you recollect that to have been the practice?—I do not recollect that. The registrars, I think, took upon themselves a great deal more than they do at present. I think they now trust a great deal to counsel, and to doing afterwards at their offices what should be and was formerly done in Court.

801. There are now eleven registrars and six Courts at the utmost to attend to?—Yes; one is what is called the signing registrar.

802. Could the following course be adopted; the registrar attending the Court one day, and attending at the office the next day to deliver out the minutes of the orders of the day before?—That I think ought to be the case.

803. And the parties being ordered to attend him for the purpose simply of drawing up the minutes?—Yes.

804. Then would not there be a great loss of time in the event of there being a long cause on occupying the whole day?—Of course that registrar would not be in Court, if he is to be in the office on the next day. The registrar who to-day hears the case is at the office to-morrow; and the next day he will be in the Court again.

805. Supposing the cause on the day that he is in Court occupies the whole day, and is only part heard, he has nothing to do?—No.

806. Would not that be a great loss of time?—Yes.

807. On a petition day a very great number of orders are pronounced?—Yes.

808. Many of which are not contested, but some are contested; do you think that in the course of the next day the registrar could draw up all the orders pronounced on that day?—No, I should think not, because he has to check orders, money orders particularly, to see that he has the proper documents to show where the money is, and that it is correctly described. There is about the middle of the day a noise in the outer office, and a great number of persons attending there.

809. What is the outer office in the registrar's office?—A mere square space, with the desks of the second and third clerks, those below a registrar partitioned off.

810. What goes on there?—The clerks receive the instructions for the orders and minutes, enter them in the books, and keep memoranda in reference to them; they draw out the minutes and hand them to the registrar to settle them, and they deliver them out to the solicitor.

811. Does any discussion take place before them?—No; there is sometimes perhaps a casual conversation.

812. Then why is there much confusion in that office?—All the solicitors are attending there; they are all in a body, and all talking more or less, settling minutes, or trying to do so.

813. Do you find the drawing up of the decree much expedited where the Judge has prepared the minutes and handed them down?—Where a correct minute is taken it certainly saves a great deal of time; but if the registrar and counsel disagree there is confusion.

814. Then there is a discussion of what it must be from an inference drawn from that which is certain?—Just so.

815. So that if the minutes were prepared by the Court immediately after the cause was heard, there would be little difficulty?—If the registrar has a correct minute of what the Judge has pronounced all delay would be taken away which now exists in his coming to a conclusion as to what had been decided by the Court.

816. Would not the registrar require a little time to do that?—No doubt of it. It is impossible for any one to draw up a decree without knowing the merits of the case; he must make himself master of it to give out proper minutes.

817. Would not the giving a pause of five or ten minutes, as the case might be, before the next cause is called on enable the registrar to do that?—I should think it could be done in less time than that if it were a rule that the registrar should read aloud the note which he has taken down before calling on the next cause.

818. On the spot?—On the spot.

819. In truth, a good portion of the evil arises from the rapidity with which the business is despatched in Court?—It is so; and from a number of other circumstances; negligence in solicitors not leaving the papers, and sometimes purposely refusing to do so.

820. Is it not often the case, that when a cause or a petition is heard, the solicitor is not present at all, or anybody for him with the papers?—Certainly; but I think not often.

821. Has not the custom of employing a shorthand writer to take a note of the judgment very much increased of late?—No; I do not think so.

822. Is not the shorthand writer's note important with respect to the minutes?—It is important, because it shows the registrar what passed in Court; but he generally decides on the minute he has in his own book.

823. Is it often resorted to in drawing out the decree?—It is only in heavy causes that a shorthand writer is employed; but the registrar is generally governed by the note which he has in his own book.

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824. You say that there is one registrar, who is called the signing registrar?—They take it by turns, I believe.

825. He merely signs the orders for the receipt of dividends?—And cheques; every cheque drawn by the Accountant General for a payment has to be countersigned by a registrar.

826. Is that of any use now that the office of clerk of the accounts is put an end to?—It is the only check on the part of the Court. The registrar sees that the sum mentioned in the order is in the cheque, he puts his initials opposite the sum in the order, which prevents that cheque from being drawn over again, and he countersigns the cheque.

827. Before he countersigns the cheque, does he require to examine the matter?—He refers to the cheque drawn by the Accountant-General; he refers to the order, or the certificate of taxation of costs; and sees that both correspond; he then puts his initials in the margin of the order and countersigns the cheque; that order can never be produced to him again, or to any registrar, without his seeing that that money has already been drawn for.

828. Is there not a distinction between orders and the receipt of interest?—Yes; for the receipt of interest they only check it with the order the first time, formerly it used to be twice that they required to see the order to check it. When they see on the face of the cheque for interest that it is more than a year old then they pass it as a matter of course.

829. They do not compare it with the order?—No order is then produced to them.

830. They merely sign it?—Yes.

831. Then there is no check at all?—Not for interest, after it has been received once, but it must have been checked by the registrar, on the first payment. If I went to-day for the first time to receive interest money, I should have to produce the order for it, and the registrar would then check it. The next time it would not be checked by the registrar.

832. How do the registrars know whether it is the second cheque or the first?—The date of the cheque will show. It is described for interest due on such a day pursuant to such an order.

833. Would it not very much relieve the trouble of the registrars if that signing of the cheques were abolished?—It would leave one additional registrar to attend to the business.

834. That is to say, it would give one eleventh more to the business?—Yes.

835. Four times a year, just before the dividends are paid, it is a very great occupation, is it not?—Yes; persons press upon him one after the other as fast as he can sign his name. You have to wait sometimes ten minutes or a quarter of an hour before you can get him to sign a cheque.

836. Does it not sometimes happen that a cheque is brought to be countersigned by the registrar while he is actually having the minutes of a decree discussed before him?—It used to be the case, but it is not so now. The registrars complained of that interruption. Even now they would accommodate you if you came too late for the signing registrar; otherwise they would refer you to the signing registrar.

837. On three days in the week does not the master of the reports sign the cheques?—I am not aware of it; I have always found, when I have received cash, one of the registrars there. I have never met anybody to sign cheques except one of the registrars.

838. According to your statement it was only an authority to see that it was the same as what was entered in the office of the clerk of the accounts?—At that time there was a double check, because you went first to the clerk of the accounts, and he marked the cheque as “entered” before he did that; he looked into the books to find the sum in the account, then it was brought to the registrar with the word “entered,” and he countersigned it.

839. The real check upon the Accountant General is the books in the Bank, is it not?—Yes.

840. They correspond?—They correspond exactly; of course they find out any error there. At the same time the other was a mode of checking the Accountant-General, as it was always represented to me.

The witness withdrew.

Mr. THOMAS CLARK, examined.

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841. You are the Managing Clerk of Messrs. Gregory's house?—Yes.

842. You have had a great deal of experience in Chancery business?—I have.

843. For a considerable number of years?—For several years.

844. Have you found any inconvenience in the passing of decrees and orders in the registrar's office?—In intricate suits I find it takes time, but that is more from not getting parties together, or from a difference of opinion as to the framing of the order, one side having one view to put, and the other another, and it is a subject of discussion sometimes.

845. What time does it take, should you say, upon the average?—I think I have had some that have taken three or four weeks, because we have to wait until the registrar is in the office; it is a week or ten days; sometimes I have had it I should think three weeks.

846. Not exceeding that time?—I cannot call to mind one exceeding that time.

847. Sometimes we have applications made to the court to settle minutes or to vary minutes in orders that have been pronounced some months?—Those are intricate cases where there is a difference.

848. You have not known many of those instances?—I certainly have had none so long as that.

849. Is there any time within which the plaintiff is bound to bespeak the minutes?—No positive period.

850. If he does not do it can the defendant compel him to pass the minutes of an order?—I do not think there is any rule by which the registrar would do so.

851. What is the time usually occupied before you get a common order which is not opposed, such as for instance an order by an executor to pay money into court?—That would be in a few days. I can mention for instance the case of *Bold v. Hutchinson*, heard on Tuesday at the Rolls. I attended with my papers on the following day, the Wednesday; and I had my draft order on Saturday, that was from Mr. Metcalfe the registrar.

852. That is passed and entered when?—In that case our client had a desire to see the draft order before it was settled. I sent it into Breconshire; but I anticipate that one or two appointments will settle it.

853. That is not passed and entered yet?—No.

854. There will be no opposition to that order?—It seems very nearly correct, I think.

855. Is it an order which will be opposed on the other side?—No. I think the registrar has drawn it in accordance with the judgment, and there can be no difference of opinion; the working out of figures and dates will require a little attention.

856. When you say that you desired to send it into the country to your client, do you mean the solicitor in the country for whom you are acting as agents?—Yes; they frequently wish to see the orders before they are passed and entered.

857. Upon the average how soon do you obtain an order to pay money into court or to get money out of court, an order upon a petition, or an order in a cause on a motion?—From a week to eight or ten days, I should say.

858. That is your experience?—The general average. Occasionally when a registrar is ill and another has taken his place, we find more delay as there is additional labour.

859. You have not found any inconvenience from the delay in the registrar's office?—Not to the extent that I have heard it spoken of.

860. Where expedition is required for a particular purpose, I suppose it can be done much more rapidly?—I have had minutes within the day sometimes.

861. Of what nature?—In an injunction.

862. Or a *ne exeat*?—I have had them within that time. The minutes have been drawn at the registrar's office, taken down to Westminster and signed by the registrar on the same day, and the order has been obtained within a day or two afterwards.

863. It requires very little time after the order is passed by the registrar to get it entered?—If we leave it on Tuesday we have it on Thursday as a matter of right; in urgent cases they will do it more quickly for us.

864. One clear day is always required?—Yes.

865. Has it occurred to you that any improvements might be made in the registrar's office?—I have thought that in some cases the registrar himself, if he had made a full minute of the hearing, and with the briefs before him, might issue the orders at once,

866. Without their being bespoken?—He would require the papers to be left; but I mean without issuing them in draft and having attendances to settle them, where it is one simple act to done.

867. Do you think any good would be done when the registrar issued the draft of the order, by giving notice to the other side that if no objection was made the order would be passed in three or four days?—I think there are very many cases where that would be beneficial.

868. What are the hours of attendance at the registrar's office?—It is open at 10, but about 11 is the hour for beginning business. We frequently find the clerks there at 10, but

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we generally expect to meet them there by 11. and they are there till 3 ; but to be found till 4 certainly some of them.

869. Does not the registrar often prepare the draft minutes merely from the indorsement of counsel without having had any solicitor attending before him to discuss the minutes?—It is generally so.

870. Would it not facilitate matters if, when the registrar handed out the draft minute, he endorsed on the draft minutes a note that on such a day he would settle the minutes and draw them up as they were prepared, unless cause was shown to the contrary?—That would do in many cases, as the Master of the Rolls has suggested, in principle. I think not in very intricate orders, where there are the interests of many persons to deal with.

871. Where it is an intricate order, and where there are several parties to deal with, if the registrar notified on the draft minutes delivered out by him on what day he would proceed to settle them, would not it bring all parties before him on that day?—I think it would ; and if he had power to settle them on that day and deal with them as a judge would deal with them, it might be beneficial.

872. At present supposing he were to do that, and the solicitor of any of the parties did not attend, would the registrar then, according to the existing practice, adjourn the matter to a future time?—With the view of having it mentioned to the Court in some instances.

873. Supposing that it were not with the view of actually having it mentioned to the Court, but that the solicitor of an important party did not attend, would the registrar as a matter of course give time and adjourn?—Yes. Because the absence of solicitors is sometimes unavoidable ; they are attending the Court, or they cannot keep those appointments very punctually.

874. Probably there is only one person in the office who is intimately acquainted with the subject of the cause?—Very frequently, particularly in Chancery suits more than in other matters.

875. And the solicitors give indulgence to one another, I suppose, in those delays?—We always do ; we never think of insisting upon the registrar passing orders or settling minutes without one or two attempts to get parties together.

876. Do you find much inconvenience arise from the registrar being in court on alternate days?—With a little care we know when he is to be in chambers by the rota in the registrar's office, and if we expect to have occasion to see the registrar we fix on appointments according to his day of being at chambers.

877. How often is the registrar in chambers ; three days a week?—About as often I think as he is in court.

878. Is there any great delay occasioned by one of the registrars being occupied in signing orders and cheques?—It occupies nearly the whole time of one on the day of his attendance ; he will sometimes pass an order for us if we go to him in the signing room, and we do that sometimes, but it certainly consumes the time of one registrar.

879. Could it be safely dispensed with, do you think?— I think it might entirely.

880. It is a mere mechanical operation?—That is all ; we show him the passages of the order and refer him to the cheque ; and he puts his initials to the one and signs the other, seeing that the two tally.

881. That is all?—That is all ; any clerk in the Accountant General's office could do it, or any gentleman accustomed to the framing of an order.

882. The Master of Reports does that to some extent, does not he?—He attends every other day.

883. Do you consider this counter-signing a safeguard in itself against fraud whoever performs it ; do you think it important as a safeguard against fraud that the cheque and order should be compared?—It is a little safeguard, but I do not think much.

884. If it be any safeguard is it not desirable that the gentleman who exercises that, check should be a person of some station, in preference to a mere clerk?—I think the chief clerk in each office ought to do it.

885. In the Accountant General's office?—Any clerk of sufficient integrity or standing in an office ; it is simply to see that the name and the sum agree.

886. Do you find any practical inconvenience arising from the circumstance that a registrar very often does not hear the whole case through in court, but that part of the cause is heard in the presence of one registrar, and the rest of the cause on a subsequent day is heard when another registrar is present?—They have reference to each other's books. The case which I have referred to of *Bold v. Hutchinson* was the same way ; there was one registrar one day and another the second.

887. And you think that it is a sufficient assistance to the registrar who has to draw up the order to have reference to the preceding registrar's note book, without having himself been present?—I think so, from the nature of the notes which are made ; the notes are exceedingly short ; generally the note is made at the termination of the hearing.

888. The registrar who makes the note at the termination of the hearing, if he has not been present at the hearing of the whole case or the whole matter, has not so accurate a

note of the decision as he would have if he had been present during the whole hearing of the cause or matter?—Not quite so good. *Mr. Thos. Clark.*

889. You have spoken of instances of decrees waiting for a month in your own experience?—I have had them as long as that. *20th March 1855.*

890. Can you tell us what the cause of delay was in those particular cases?—As often as anything, I think a want of attention from the solicitor's office; my being absorbed in other matters, and that matter perhaps not being pressing, or my not considering it pressing.

891. Do you find much difficulty arising from disputes as to the endorsements on the briefs?—I have seen them differ; and those were cases in which it terminated in going to the Court. As a general rule the endorsements are very much alike.

892. Then your experience would be that upon the whole there is no very great evil in point of delay in the registrar's office?—I really think not; it is not a delay that can be amended or avoided.

893. Do you think that you could make out, without its giving you much trouble, a list for the last year, showing the dates of the orders which were pronounced in the court in the cases in your office, and when you obtained the minutes or had them passed and entered?—I think I could do that, only there are some of the attendances which we do not enter; we do not get allowed for them, and we do not always make a memorandum of the attendance.

894. But would you not have a memorandum of when the order was passed and entered?—I should certainly have an attendance to pass the order, probably when it was closed.

895. Then you would be able to show when the order was pronounced in court, as you would have an attendance for that, and an attendance to pass the order or an attendance to get it entered?—I should have some of those attendances certainly.

896. If you could without inconvenience, or without its taking up too much of your time, make out for us, for the year 1854 for instance, a list of the orders with the dates when they were pronounced in court and when they were passed and entered, we should be much obliged to you?—I will do that, at present I have spoken from rough memory.

897. Did I rightly understand you to say that solicitors are allowed no fees for attending the registrar to pass the minutes?—Not for every attendance.

898. What is the rule upon that subject?—The strict rule is 13s. 4d. for a decretal order, 6s. 8d. for a common order.

899. Will there be one attendance or several?—We only charge one attendance, except we make a case for special attendances, attending so and so, relating what happened and the little discussion which arose, and stating that it was adjourned for such a purpose. We do get in some instances additional attendances to meet those things, but not without some reason for it.

900. Then in truth if a decree is made by the court, and there are four or five attendances upon it, the fee of 13s. 4d. covers the whole of those attendances, unless upon special case made?—Yes; I have had two or three allowed me this last week in taxing a bill.

901. Are you speaking of between party and party or between solicitor and client?—Between party and party.

902. Are you entitled to charge them as between solicitor and client?—Upon showing on the face of the bill the necessity for attendance.

903. Supposing the matter went off from the circumstance of the non-attendance of some of the solicitors, would you be allowed an attendance in such a case?—I do not think the Taxing Master would allow it.

904. Not even between solicitor and client?—Not if it was simply for non-attendance.

905. From some conversation with one of the Taxing Masters the other day, I understood from him that in a matter before him it appeared that the expense of passing an order for all the parties concerned was 100*l.*?—That must have been a very rare case.

906. That was the total expense to which all the parties were put. I presume that was between solicitor and client?—Then there must have been many parties and many attendances.

907. You have never known such a case as that?—Certainly not.

908. What is the extreme amount allowed in any case within your recollection for the expense of passing a decree, including every thing from the date of the decree being pronounced to the passing of the minutes?—I am speaking only from memory, but we had a small case last week; there were three or four parties; I think each person would have had as much as 1*l.* 6s. 8d. for his fees, that would amount to 4*l.* or 5*l.*; that was in a very small suit.

909. How expensive have you known the passing of an order, you cannot recollect?—No. In our office our business is generally smooth agency business; we do not meet with those contested cases which perhaps some houses would.

910. You have a good many contested cases, have you not? Your connexion lies principally in Welsh cases, does it not?—We have many of them; but I have seen shipping interests and those where I have been present at the hearing; I can well fancy that those cases would be more contested than a private matter out of a settlement or a will.

911. Does not the fact of one gross sum being allowed for all the attendances, from the pronouncing of the decree to the passing of the decree, lead to negligence in the attendance

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of the solicitors?—I am rather disposed to say that the difficulty in getting folks together is unavoidable; evil disposed persons will remain away sometimes and create delay.

912. Intentionally?—Yes, to create delay.

913. If it is an order which they do not like?—Yes; or if it is for the payment of money towards the close of the vacation, and when they want delay.

LIST of ORDERS referred to in the Evidence of THOMAS CLARK.

	Cause.	When heard.	Minutes or Order obtained.	Order passed.	Observations.
1	Knight v. Knight, ex parte Bolding.	July 18, 1853	July 18, 1853	July 18, 1853	These cases were urgent.
2	Ex parte Loynes -	Do. - -	Do. - -	Do. - -	
3	Ex parte Taylor -	Do. - -	Do. - -	Do. - -	
4	Brown v. Cartwright	April 20, 1853	- -	April 23, 1853	
5	Coward v. Hughes -	Jan. 16, 1854	Jan. 16, 1854	Jan. 19, 1854	These cases were carried through in the ordinary course of business, and fairly represent the time usually occupied.
6	Chapman v. Bell -	Aug. 8, 1854	Aug. 11, 1854	Aug. 14, 1854	
7	Cardiff Corporation -	July 31, 1854	Aug. 7, 1854	Aug. 12, 1854	
8	Lewis v. Jones -	July 20, 1854	July 24, 1854	July 31, 1854	
9	Ex parte Adams -	May 27, 1854	June 6, 1854	June 10, 1854	
10	Brett v. Lethridge -	Jan. 15, 1855	Jan. 18, 1855	Feb. 1, 1855	
11	Aberdare Company v. Wayne.	July 25, 1853	Aug. 1, 1853	Aug. 15, 1853	
12	Powell v. Stables, petition of Harwood.	July 11, 1853	July 25, 1853	Aug. 2, 1853	These cases were allowed to take their turn with other matters requiring attention; they might all on an average have been completed in as short a time as those immediately preceding, and in no case was the delay caused in the registrar's office or by the act of any solicitor concerned for the opposite parties.
13	Petition of Hoyes -	Do. - -	Do. - -	Do. - -	
14	Lewis v. Jones -	July 20, 1853	Aug. 11, 1853	Aug. 12, 1853	
15	Re West's trust -	June 1, 1853	June 6, 1853	June 29, 1853	
16	Gabb v. Prendergast	July 20, 1854	July 29, 1854	Aug. 14, 1854	
17	Chapman v. Bell -	Nov. 25, 1854	Dec. 14, 1854	Dec. 18, 1854	
18	George v. George -	July 12, 1853	July 21, 1853	Aug. 9, 1853	
19	Thomas v. Williams, Williams v. Thomas.	June 28, 1853	July 21, 1853	July 29, 1853	
20	Papendick v. Jones -	June 13, 1854	June 20, 1854	July 13, 1854	
21	Howell v. Price -	June 11, 1853	June 28, 1853	July 13, 1853	
22	Pryor v. Pryor -	July 6, 1854	July 24, 1854	Aug. 14, 1854	This was an order which could not be worked to any purpose before the closing of the offices, and it was allowed to stand over the long vacation, and when resumed required several meetings to complete it.
23	Massey v. Parker -	June 30, 1854	July 27, 1854	Aug. 12, 1854	
24	Janes v. White -	July 24, 1854	Aug. 3, 1854	Dec. 16, 1854	
25	Timmons v. Lloyd -	June 3, 1854	- -	March 26, 1855	

THOS. CLARK.

The Witness withdrew.

Adjourned.

Tuesday, 27th March 1855.

THE RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

WILLIAM JANEWAY, Esquire, examined.

W. Janeway, Esq.

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914. You have had experience as a solicitor for a good many years in the Court of Chancery?—As solicitor and managing clerk together, about 25 years.

915. We are desirous to know what suggestions you can make with reference to the office of the registrars in the Court of Chancery; do you find any inconvenience in the office as at present constituted?—I find that it requires a very great deal of time to get orders completed.

916. Can you inform us what is the average time of getting an order, which is not opposed, passed through the registrar's office?—In the case of an order made at Chambers, for instance, for production of deeds or payment of money into Court, I should say a week is the minimum time; in the case of an order at all of a special nature, or which has to be a good deal discussed, it is considerably more than that, I should say probably three weeks or even a month.

917. Is it not sometimes a much longer time?—I have known cases in which it has been longer, but that has probably arisen from extraordinary causes; it is not an ordinary case.

918. It has been suggested to us that some of the causes of the delay in the registrar's office arise from these circumstances: first, that all the papers which are required for drawing up the decree are not produced by the solicitor; secondly, the difficulty of getting an appointment for the solicitors to meet on the day on which the registrar is able to attend; and thirdly, the contest before the registrar respecting points which in fact are then raised for the first time?—All those causes do no doubt very much contribute to the delay; the first undoubtedly is the fault of the solicitors; I have no doubt that does occasionally occur. Knowing the subject on which the Commissioners were about to enter, I have prepared a statement upon it, which I can put in or read.

919. Be good enough to read it.

The witness read the following paper:—

Suggestions as to Causes of Delay in the Registrar's Office, and their Remedies.

The drawing up of the decrees of the Court, affecting as they do the rights of parties to property to an immense amount, will under any system be a work requiring great care and deliberation; but there is a general feeling amongst the profession that, under the present system great delay prevails, some of the causes of which admit of a remedy. At present, an order at all of a special nature, and the terms of which require any discussion, cannot be completed in less than three weeks or a month, and the commonest order for payment of money into Court or production of papers is not obtained in less than a week.

Causes of Delay.

1. The greatly increased number of orders now made, arising from the rapid increase of business in the Court within the last two years.

2. The necessity of solicitors meeting to discuss and settle terms of special orders, and in agency causes, of communicating with the client, which last proceeding requires three days at least.

3. The difficulty of getting a number of solicitors to meet at a specified time and place, having regard to their numerous engagements. At the present time there are frequently sitting at the same hour six Courts, eight Judges' clerks at Chambers, five Masters in Ordinary, five Masters' clerks, and six Taxing Masters, making in all thirty places at one or more of which a solicitor or his clerk may be engaged during the ordinary hours of business.

4. The probability that when the parties meet, the registrar may be engaged in Court, in which case, if reference to him personally is necessary, nothing can be done but to adjourn the meeting.

5. It sometimes happens that papers are mislaid or lost in the registrar's office, which occasions considerable delay in giving out the minutes.

6. Supposing these difficulties to be surmounted, and all parties at length meet on the day appointed, they frequently find the registrar surrounded by a crowd of persons assembled on similar business, and seeing no chance of securing his attention within any reasonable period, they go about other business, and the appointment drops. If, however, they should get before the registrar, irreconcilable differences may arise as to the order actually made, or the addition or omission of some clause; and hence the necessity arises for applying to the Court or conferring with counsel as to the proper terms of the order.

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7. Supposing the minutes to be settled, two or three days will be required to engross the order on a stamp; when that is done it is obtained by the solicitor from the stationer, examined, and left to be passed, notice having been given to the other parties. Here the same causes of delay operate a second time, and appearance briefs being required for all parties, they are frequently not forthcoming; and I have known an order delayed a week or more, while repeated applications were made to a solicitor to leave his counsel's brief. It sometimes happens, that the registrar has to be satisfied that some party who has not been served has no interest in the subject of the order. At this stage, too, it is not unfrequently discovered that some formal proof has been overlooked, which must be supplied before the order can be passed.

8. I am very far from suggesting that all the delay is attributable to the system pursued in the registrar's office. Frequently the necessary papers are not supplied when the order is bespoken, and of course it waits. This is undoubtedly the fault of the solicitor.

9. The registrars are so much occupied in Court, that they cannot give sufficient time to the settling of orders, and they and their clerks have to do their business amidst a great deal of noise and confusion; the clerks too are liable to be interrupted every moment to answer inquiries, sometimes, it is to be feared, of a frivolous nature.

10. The registrars are too much withdrawn from their ordinary duties to countersign cheques of the Accountant General, a duty of a ministerial nature, which, if necessary at all (which I very much doubt) would be as well performed by an officer appointed for the purpose.

Proposed Remedies.

1. The registrar's office, *as a separate department*, might be abolished, and two registrars, with a sufficient staff of clerks, might be attached to the Court of the Master of the Rolls and each Vice Chancellor, and should be entirely under the control of the Judge, and responsible directly to him for the efficient discharge of their duties. This, I conceive, is only carrying out the principle of the late Chancery Improvement Acts. It is admitted to be a convenient arrangement, that each Judge should superintend the working out of his own decrees, and I consider that the same principle applies in a still higher degree to the mere formal preparation of those decrees. The advantages of this plan are, that the Judge would have it in his power to prevent undue delays, and make such regulations, of his own authority, as might be necessary for checking abuses. The registrar would be in constant communication with the Judge. Sitting at Chambers, the Judge could decide disputes as to terms of orders in a summary manner, could summon parties in cases of wilful delay, and could call for returns of orders in arrear. By this means that concentration of authority would be obtained which is indispensable to the efficient working of any system. If it should be objected to this plan that the registrars, as a distinct body and attending each Judge in succession, are useful in keeping the practice of the Court uniform, and acting as advisers of the Judges on matters of practice and precedent, I would observe, that, however necessary and useful such an arrangement may have been formerly, it is less now that the practice of the Court is so much simplified and so well defined by Acts of Parliament and general orders, and that the necessity for reference to ancient precedents, of which the registrar's office is the depository, becomes every day less. It has been supposed, too, that a special education is necessary to fit a person to discharge the duties of a registrar, and that it is necessary to keep up the office in order to train a body of men to fulfil those duties. I do not see the necessity of this. The great majority of orders are so far matters of routine that they could be prepared without difficulty by any person moderately skilled in the practice of the Court, and are, in fact, now prepared by the registrars' clerks; and, as regards orders of a more special nature, and which are not in common form, I conceive that the principal requisite is, accuracy in recording the directions, and care in expressing the meaning of the Judge. I think, therefore, there would be no difficulty in supplying vacancies as they arose from the ranks of the bar, or from amongst the solicitors of the Court, without the necessity of keeping up a separate establishment as a school to train up registrars.

2. If, however, the present system is to be continued, I consider its efficiency would be increased if the registrars had greater control over their clerks. This is a subject on which I speak with diffidence; but I think it will be found that, *practically*, the clerks are independent of the registrars, and that there is wanting that due system of subordination which is essential to the satisfactory working of any department of whatever nature. The appointment to clerkships in the office is vested in the Lord Chancellor, and no clerk can be removed except by his Lordship's authority; and I can easily conceive that a registrar may have serious cause of dissatisfaction with his clerk, though not of such a nature as would justify him in making an application for his removal. The succession, too, is by *seniority*, without reference to special fitness or ability; and though I am not aware of any instance in which that has been productive of injury, I think the principle is not a judicious one. In this opinion I am fortified by the high authority of Lord Langdale, given in his evidence before the Select Committee of the House of Commons appointed to inquire into the subject of fees in courts of law and equity. His Lordship says, "In the gradation of offices I think that, as a general rule, every subordinate ought to be, to a considerable extent, dependent upon his immediate superior,

"and that every superior ought, to a considerable extent, to be responsible for the conduct of his subordinates. That alone, it appears to me, would have a very great effect in securing due diligence. If you want to prevent all spirit and energy, and all desire to obtain credit by good service, you have only to make every officer wholly independent of his superior; arrange matters so that by the course of the office every officer, unless he is guilty of some great offence, shall, without any diligence, or activity, or energy, be sure to rise in regular succession, you have then an effectual receipt for negligence and inefficient service."—*Vide* Question 1,425.

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3. Additional accommodation in the way of building is required. The present office is quite insufficient for the proper transaction of the vast amount of business done there, and is deficient in accommodation for the public. Each registrar should have a separate room, and there should be a separate hall or ante-room, where solicitors could meet and carry on their discussions without interruption to the clerks.

4. An additional assistant clerk to each registrar would be of great service in relieving the chief clerk from the care of papers, giving out minutes and orders, answering inquiries, and a variety of matters which now distract his attention from more important duties.

5. The registrars might be released from the duty of countersigning cheques.

6. Orders might, I conceive, be materially shortened; this has been done to some extent, but I think it might be carried further.

7. Common forms of certain orders might be lithographed and kept ready for use, which would save the time lost in copying.

8. All orders made at Chambers might be drawn up there. It will be found that the number of orders of this class is very large, and has added materially to the increase of business in the registrar's office.

9. *Minutes* of orders might be abolished, and a complete draft of the order, with all necessary recitals, issued instead. This is already done in some cases with a very beneficial effect.

10. A general order might be issued that parties appearing at any hearing shall leave their briefs with the registrar within a certain time after the order is made.

11. The draft order might be delivered to the solicitor drawing it up, and he might furnish copies to the other parties with notice of settling it endorsed. This would prevent the delay which frequently arises from all parties not having obtained copies when they meet to discuss the order. The solicitor ought to be authorized to engross the order on a proper stamp, as is done with master's reports and certificates at Chambers, so as not to be dependent on the stationer employed by the office. This would effect a great saving of time, as the solicitor could frequently get an order engrossed in half an hour, which under the system of official routine requires a couple of days.

12. The registrar should have power to settle the order in the absence of parties not attending the first appointment.

13. Only *one notice*, either of settling or passing an order, should be required, and the registrar should be at liberty to proceed on affidavit of service of petition, notice of motion, &c., as against the party not attending.

14. The registrar should be directed to hand the order to the entering clerk as soon as he has signed it, instead of waiting for the solicitor to fetch it away for the purpose.

920. Those appear to be very valuable suggestions. With respect to the accommodation, you think that each registrar ought to have a room to himself?—I think so. The fact is, that two registrars sit together in one room, and there are frequently as many as a dozen persons attending each of them, and two separate sets of discussions going on at the same time, with seven or eight persons speaking perhaps all at once.

921. That creates much confusion necessarily?—No doubt.

922. How many cases does a registrar generally dispose of in one day?—It is quite impossible to say.

923. Does he dispose of more than one?—I should think, on the average, a registrar will get through several cases.

924. Are the solicitors who come to attend him there often delayed till the case that precedes them is disposed of?—That is so.

925. Then it must of itself create a greater attendance in the room?—It frequently happens that the registrar has been engaged in Court several successive days, and that all his arrears have been accumulating during that period, consequently a great many persons attend the first day the registrar is to be found in attendance, and he has a great accumulation of business; much of that is by necessity postponed.

926. Could that be remedied at all by making a rota, so that the solicitors would know when their cases were called on?—I very much doubt whether that plan would answer.

927. According to the present practice, when an order is passed, it is given to the solicitor to get it entered, is it not?—It is left for the solicitor to call for it.

928. And then the solicitor calls for it and gets it entered?—Yes.

929. Does any length of time ever elapse between the passing of the order and the solicitor calling for it?—That does occasionally happen, no doubt.

930. He might leave it for some days?—He might leave it possibly for some days; but if he applies day by day till he gets it, that would hardly occur.

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931. There is nothing to compel him to take it for a day or two, is there?—Nothing except discharging his ordinary duty; he would apply, of course.

932. What would be the consequence if he left it for a week?—I presume it would be lying in the clerk's office waiting till called for.

933. How long might it remain there; till one of the other solicitors took it up?—I am not sure that it would be given to any other solicitor than the one whose duty it was to draw it up. It would not, as a matter of course, certainly.

934. According to a statement made to us, after an order is settled it takes two days before it is engrossed?—I should say that two days is the average time certainly.

935. There is a stationer attached to the registrar's office who has a seat in the office, has he not?—That is so.

936. And he affixes the proper stamp?—He has stamped paper, and he engrosses the order upon it.

937. According to your statement, you think that a great deal of time would be saved if the solicitor did that himself?—I think so, decidedly.

938. It would be done much more quickly?—He would take away the draft, put it into the hands of one of his clerks, or his own stationer, and have it engrossed in perhaps an hour.

939. That is, after it had been completely settled?—Yes.

940. Would it be quite certain, in every case, that the order would not be touched?—It is the order which is passed. I suppose the registrar would have a copy of it. It is possible that a slight alteration might vary an order very much?—That could be easily guarded against if the registrar required the draft, as well as the engrossment, and himself saw whether it had undergone any alteration.

941. I remember a very important alteration being made in a deed which once came before me, in which a person changed the word "have" into "give;" instead of having notice, it was made that he should give notice?—The registrar always reads over the engrossment very carefully before he signs it, and would, I think, discover any important alteration. Moreover, I assume that all parties would attend to examine the engrossment of the draft, and so detect any alteration.

942. Is it now examined with the draft after it is engrossed?—Yes.

943. In the presence of the solicitors?—It ought to be, and I believe generally is.

944. That is so in the case of your orders?—Yes.

945. You think also that lithographed forms would save a great deal of time and expense?—Assuming that there are common forms of orders frequently in use, I should think they might be kept lithographed.

946. Do you think it would extend to those portions of orders which are now formal; there is a considerable portion of orders, such as drawing up for the Accountant General, and the like, which is merely formal, and which takes some time in copying?—Yes; it might be difficult to introduce those parts, I think, into the engrossment of an order. In the draft of an order perhaps it might be practicable.

947. In the draft of an order it would merely save so much writing?—Just so.

948. But with respect to the lithographed forms, of a complete common order of course, you would have them lithographed upon a proper stamp, so that they might be passed at once?—Yes; supposing there was nothing to be filled in but the names of the parties, and just the formal particulars, I think it might be done. The rules made by the Judges of the Common Law Courts at Chambers are generally on a small piece of paper, and require nothing but just the parties names, but they are generally very simple.

949. They are more simple than ours?—I think they are.

950. An order for time to answer is simple?—Yes; it is drawn up at the Judge's chambers, and they have adopted that improvement.

951. They do it upon a lithographed form?—Yes.

952. With respect to an order for the payment of money into Court, might not that be one of the orders where that course might be pursued?—I should think that those orders might be stamped, and that they might be kept ready prepared.

953. Also orders for purchases under decrees?—Yes; they might be lithographed.

954. Those are in chambers, are they not?—Yes; but they have to be drawn up by the registrar, and the registrar draws them up in such a form as he thinks proper.

955. I do not quite understand your suggestion about copies of the minutes sent. Supposing you have the carriage of a long and complicated decree which is likely to produce some discussion at least before the registrar, you get a copy of the minute as soon as you apply for it, assuming that it is ready?—Yes.

956. How do the other solicitors get copies of the minutes of a proposed order; do you send them to them?—No; generally the first intimation to another party is a notice to settle the minutes. It may be, perhaps, for the next day; he has not his copy ready, or he has not applied for it.

957. From whom does he get the copy?—From the registrar's clerk.

958. What does he pay for it?—I believe there is no payment now for the minutes at all. It is included in the fee for the order.

959. Is the solicitor entitled to the copy without any fee at all?—Yes.

960. He does not pay the usual stationer's charge of 1½*d.* a folio?—He pays nothing for the copy of the minutes.

961. If you sent a copy of the minutes of the order, would you not charge what it cost you. If a solicitor sent a copy of the minutes it would cost him something, and he must be paid for it, must not he?—That undoubtedly would be a subject for consideration. I submit that it is a matter for the consideration of the Judges and authorities of the Court.

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962. It may be a great improvement; but would not that question arise as a part of it?—Perhaps your Honor will allow me to state what is the practice with regard to certificates. The chief clerk's certificate is delivered out to the solicitor having the carriage of the cause, and he makes copies and delivers them to all the parties who ask for them, and he is allowed for that the ordinary charge.

963. And that is found to be beneficial?—No doubt.

964. And to expedite business?—Yes.

965. You are not old enough, I believe, to recollect it; but formerly the registrars used to sit for three hours in the evening, did they not?—I am old enough to recollect when the Rolls Court sat in the evening, and the registrars also.

966. The registrars then sat from five o'clock till eight, did they not?—I believe so.

967. They sat from ten o'clock till two, and five o'clock till eight?—Yes.

968. What are the times of attendance now?—The office is open at ten, but there is an understanding that solicitors will not attend until eleven concerning disputed matters. The office is open at ten for inspecting the cause books and for matters of that sort, but the office hours during which the registrars are expected to transact business are from eleven till three.

969. Is that a sufficient attendance, in your opinion?—If the hours were longer, I have no doubt that more business would be done; but whether it might not work an evil in this way, I do not know; that the registrars would have less time to devote to that which is a most important part of their duty—the preparation of orders by themselves.

970. Do you think that there are registrars enough; if there are six Courts sitting, there will only be five registrars who are not in Court on those days, at least?—I think that probably twelve registrars would be a sufficient number. Your Honour is, perhaps, aware that during the last few months there has been a good deal of illness; several of the registrars have been disabled by illness from attending, and that, probably, has produced a delay which may not always exist.

971. Are there a sufficient number of clerks?—I think not. I have ventured upon a suggestion which I think would meet that; I have said, "an additional assistant clerk to each registrar would be of great service in relieving the chief clerk from the care of papers, giving out minutes and orders, answering inquiries, and a variety of matters which now distract his attention from more important duties."

972. You propose two clerks to each registrar—a chief clerk and an assistant?—Yes.

973. Making 24 clerks, supposing that there are 12 registrars?—Yes.

974. In that case, do you think it would be desirable that each registrar and his clerks should sit apart from the others?—It would be highly desirable, no doubt.

975. That would diminish the confusion?—Yes.

976. Is there much expense and inconvenience occasioned to the suitor by the evils which you have been describing?—The inconvenience is in some cases very great indeed. I can, perhaps, show it better by relating a single instance which lately occurred, than by mere theoretical observations. It was the case of a money order. The party to receive it was simply a trustee, without any beneficial interest, and, therefore, not disposed to put himself to inconvenience. He was about to leave his home for some time; it was therefore of great importance to get the order quickly. It was bespoken in the usual way, and the registrar's clerk, after several applications, after a delay of several days, stated that he had not been able, owing to the pressure of business, to take it up; that he could not take it out of its turn; and that, in fact, I must wait my turn. Knowing the importance of despatch, I had a personal interview with the registrar, and stated to him the difficulty, and requested to be allowed, as a matter of favour, to prepare the minutes myself, and to settle them with him, which he very kindly granted. The application was considered by the clerk probably as a sort of offence to him, and he did not behave very graciously on the occasion. However, my object was accomplished, and I got my order in a very reasonable time. That probably may be an explanation of the suggestion which I have ventured to make, that I think the registrars' clerks are not sufficiently under control. Your Honour is perhaps aware that they are not appointed by the registrars.

977. That is since the Chancery Regulation Act of 1833?—Yes.

978. Some of them were not very young men when they were appointed, I think; are they usually young men?—When they come into the office first they are generally young, and they work their way up; the succession is by seniority.

979. It takes about twenty years, we are told, to become a registrar, from the time that a person enters as a clerk?—That may very likely be.

980. That is the average time?—Yes. Perhaps your Honour will allow me to make one remark in addition, that solicitors have not the slightest interest in increasing these delays, but, on the contrary, every interest in diminishing them. Your Honour may not be aware of the fact, that there is a fixed fee to a solicitor, of a very moderate amount, for

W. Janeway, Esq. settling an order; and however numerous are these attendances, and however many notices he may have to give, it never exceeds that amount, and that the drawing up of orders is one of the parts of a solicitor's business the most troublesome and the worst remunerated of any.

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981. We are told that in some special cases applications are made where, as between solicitor and client, a larger amount is allowed?—I have never yet met with any instance where the fee was increased simply on account of extra trouble to the solicitor.

The witness withdrew.

Adjourned.

Tuesday, 10th July 1855.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

ROBERT BAYLY FOLLETT, Esquire, examined.

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982. You are one of the Taxing Masters of the Court of Chancery?—I am.

983. And you had great experience as a solicitor previously to that time?—I had.

984. Are you acquainted with the present constitution and working of the registrar's office in Chancery?—Personally I have no acquaintance with it since I left the profession, except what I have derived from the taxation of bills of costs.

985. Practically it is very much the same now as it was when you were in the profession?—I believe it to be very much the same; I am not aware that there has been much alteration since.

986. Complaints have been made to us upon various points on which we should be glad to know what your opinion is. One of the first complaints made is, that great delay prevails in obtaining any order, that orders of a special nature cannot be completed in less than three weeks or a month, and that the commonest order for the payment of money into Court, or for the production of papers, is not obtained in less than a week; is that so according to your experience?—That delay does take place to a greater extent than the time your Honour mentions is quite true; that it need take place I am not prepared to say.

987. Various modes have been suggested to us for removing that evil. In the first place, it is stated that the times of attendance at the registrar's office are not convenient; that they attend from eleven o'clock till three, and that it would be convenient that they should attend from ten o'clock till four. The time of attendance formerly was from ten o'clock till two, and then in the evening. That was at the time when the Rolls Court used to sit in the evening. Having discontinued the evening sitting, they have not increased the morning sitting, though they have altered the time. Do you think that an advantage would be gained by a longer attendance?—I should think so, certainly. The attendance from ten till eleven would be practically of little use; but from three to four I should think would be very useful. I find myself that I cannot, without pressure, get solicitors to attend me before eleven.

988. That arises from the necessity of attending to their correspondence, does not it?—Yes; they would come to me, and so no doubt they would to the registrar, at this time of year, but they always prefer a later appointment, especially if it is anything requiring the attendance of the principal.

989. What modes would you suggest for getting rid of the present delays which exist in the registrar's offices?—It is a very difficult subject to suggest a particular remedy for; but my own impression is, that the registrars would find their work much more readily done if they assumed a more judicial character, if they did it more deliberately, and assumed a greater control over the work and over the orders.

990. The attendances are not peremptory now, are they?—The attendances are not peremptory.

991. Would the system be improved by making the attendances peremptory?—I think it would. In point of fact, the attendances at the present moment are almost optional, the strict practice being, as I conceive, that the person having the conduct of the order is not obliged to give notice to anybody, but might draw up his order *ex parte*. A long course of practice has required notices to be given which are considered notices of courtesy; and I believe the registrar always asks if notice has been given, and is always exceedingly reluctant to pass any order without having all the parties present; but that has produced a very irregular mode of doing the work.

992. Would an improvement be produced if the registrar were to deliver out a draft of the order which he intends to pass, instead of minutes, which are very often very imperfect?—I do not think that would make any great difference, because all, excepting the minutes, is very nearly matter of form.

993. There is a great want of convenience as regards room, is there not?—Very great. *R. B. Follett, Esq.*

994. Is there a sufficient force in the office, in your opinion?—I cannot give the Commissioners any answer upon that subject. I should think it very probable that the registrars would derive great assistance from having a private clerk or secretary, or whatever he may be called,—something of that description; indeed I can hardly conceive how they can do the work without it.

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995. Do you think that that advantage would be got by making the clerks in the registrar's office dependent upon the registrars, and under the appointment of the registrars?—That would involve an entire alteration in the registrar's office.

996. In fact that used to be the old constitution of the registrar's office, did it not?—The old constitution of the office was that the clerk became articled to the registrar and then by degrees became registrar. It was a matter of great value; I think they got 1,000 guineas, or something of that sort, for each clerk, and he obtained the appointment of registrar. I would not myself give anything for a clerk whom I could not appoint and could not dismiss.

997. Do you think it would increase the efficiency of the office if there was a power, if not of dismissing, at least of raising the clerks according to their efficiency and the merit which they had shown in the office, so as not to make them rise by regular rotation and mere seniority?—No doubt it would produce an effect; it would be an exceedingly difficult power for the registrars to exercise.

998. Do you think that it might be useful to have a class of clerks appointed by the registrars to do what may be called the heavier work,—the drudgery, the copying,—and to have a higher class of clerks, something like those who now exist, who should prepare the minutes for the registrars, and perform functions much more like those of the chief clerk?—My impression of the clerk of the registrar would be, that he should be a clerk something like the junior clerk of the judge, who could keep his papers and make his appointments for him, and write anything that he drafted for him,—who would be his clerk and his servant almost.

999. Besides such an officer as that, would you not wish to have some one in training to perform the duties of registrar?—I should let the present clerks be as they are. I think each registrar should have some person in the nature of a private clerk or secretary, or whatever you may please to call him, in addition. I would leave the present clerks to draw the minutes and so forth, but I think the registrar ought to have some one to make his appointments for him, to keep his papers, and to make his arrangements. The registrars have not time to attend to that.

1000. That person the registrar should have the power of removing?—Yes; he should appoint his own clerk.

1001. The clerks do not at present draw the minutes, except in certain cases. They do not, for instance, draw the minutes of decretal orders; that is done by the registrars alone. Is there any reason why the superior clerks should not do that?—I thought that the clerks did it. They ought to do it, certainly.

1002. Have you had experience of inconvenience arising from the fact of the registrar not having control to compel the attendance of solicitors before him?—I have no doubt that half the delays take place on that ground. I would myself recommend that it should be the duty of the plaintiff's solicitor first of all to bespeak the minutes, and then, having bespoken them, to obtain a fixed appointment from the registrar, when the parties should attend and get the minutes settled, and that that should be served upon all parties, and that they should be bound to attend. I would propose that the registrar should then have the power to proceed, *ex parte* if they did not all attend, and to settle the differences between them. If he could not do it at one meeting, I should recommend that he adopted the plan, which I believe works exceedingly well, which is now adopted in the judges' chambers, of making adjournments, and compelling everybody to take notice of and abide by the adjournment, instead of discharging the thing and leaving the parties to come for another appointment, so as to keep the thing in his own hands until completed.

1003. You do not allow the attendances in costs, we believe?—It is difficult to say that one does not allow them. Strictly speaking, a solicitor is entitled to a fixed fee of 6s. 8d. for settling the minutes of an order, and 6s. 8d. for passing the order, and 13s. 4d. in the case of a decree; and the person who has to pay, whether the client or the opponent, is not obliged, if he does not choose, to pay any more; but the trouble is far beyond what that remunerates. I have a case here in which the settlement of the minutes came to something more than 100l.

1004. Is that as between party and party?—No; that is between solicitor and client.

1005. What was the nature of that case?—It was a common administration suit. It was a large estate in which there were real and personal assets; in which the real estate went to the eldest grandson. There was a question about it argued in Court. The personal estate went to the widow and daughters. Probably you will just let me read you the story as it was worked out, and set down here. It was a case heard before his Honour the Master of the Rolls, in 1853. It begins with, "Paid for shorthand writer's notes," which I find in blank. The taxation of the bill has not been finished.

1006. What is the date?—December 1st, 1853. "Attending Court; judgment pro-

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nounced, when defendant intimated through his solicitor that he should appeal as to "part of the order made. The minutes were ordered to be prepared, and then put in the paper to be spoken to." That is on the 1st of December; then he gets the shorthand writer's note, and attends his junior counsel with the judgment, as instructions to settle the minutes.

1007. The Master of the Rolls directed it to be put in the paper?—To be put in the paper, that it might be spoken to. Then the solicitor sets out, that on the 7th of December he writes to Messrs. ———, who are concerned for one of the parties respecting the minutes—to what effect I do not know. Then on the 9th he attends his counsel respecting the minutes.

1008. His own counsel?—His own counsel; the 12th, "the like"; the 13th, "the like"; the 15th, "the like"; the 17th, "the like"; the 20th, "the like, and obtained the same."

1009. That is merely going to his chambers to know whether they are ready?—Yes.

1010. Is he allowed that in costs?—No. Then he pays Mr. ——— three guineas for settling the minutes; that would be allowed in costs. Then he charges 12*l.* for making eight copies for the different solicitors: that, upon examination and a calculation of my clerk, turns out to be six copies, and instead of 12*l.* the charge should be 4*l.* 18*s.*; the 4*l.* 18*s.* he would be allowed. Then he has charged 1*l.* for writing to the six solicitors to deliver them; that he would not get. Then the next item which I find is that he writes to Messrs. ——— to know whether they are prepared to have the cause spoken to on the minutes, but they do not arrive at that point until the 14th of January, the cause having been heard on the 1st of December. Then there is the like to Messrs. ——— and three others. Then he makes two copies of the minutes for counsel,—he pays fees to his two counsel. Then he writes, giving notice to all the parties to attend, which he will be allowed for. Then there is, "Attending Court cause in paper; the minutes discussed, and the principle upon which they were to stand approved and decided, and to be mentioned again next Saturday." They attend again on the next Saturday, and the order is made. That being done, the minutes go back again to the counsel to peruse and settle, for which he gets two guineas more. Then the solicitor attends the registrar with the briefs, to bespeak the office copy of the minutes. This is the first thing the registrar knows of it.

1011. When does he bespeak the office copy of the minutes?—On the 30th of January. Then on the 5th of February there is, "Attending the registrar on the subject of office copy minutes." On the 8th they write to Messrs. ——— to say that they have bespoken the minutes. Then, under date of the 11th, they charge, "Daily attendances upon the registrar up to this day, when he requested us to put the minutes into shape for him." Then we have, "Drawing abstract of what we considered the order should be," two guineas; "attending the registrar therewith and thereon, long conference with him, 6*s.* 8*d.*" Then, "Writing Messrs. ———, informing them the result of our conversation with the registrar, and appointing to meet them at his office at one on the following Thursday," the like to Mr. ———; the like to Mr. ———. Then there is attending at the registrar's office on the 16th, and having a long discussion, for which the charge is 13*s.* 4*d.* Then we have, under date of the 20th, 21st, 22d, 23d, and 24th, "Attending at registrar's office these days on office copy minutes." What that means I do not exactly know, except that I suppose it is to ask the registrar if he had got them ready; that is what I apprehend it was. Then he writes all the parties with the appointment to settle the minutes,—that he is not allowed in costs; he sets those out here. Then on the 4th of March we have, "Attending appointment, but the registrar not ready." Then, "Writing same parties that the registrar had fixed Wednesday for the purpose." Then on the 8th and 9th of March, "Attending these days settling the minutes." Probably, as matter of curiosity, you might like to know what all that costs; about 33*l.* multiplied by six.

1012. Is it what it is taxed at?—No; instead of 30*l.* it will be taxed at about 20*l.*, and I dare say the six other people's costs will be taxed at about 15*l.* each.

1013. The actual settling of the minutes in the registrar's office is only from the time that he draws the abstract?—Yes; I recollect, at the time the solicitors were before me upon it, expressing my surprise to them that, inasmuch as they had spent 100*l.* in settling the minutes, they had not got the order right at last, which they had not. I was obliged to send them back to the chambers of the Master of the Rolls to get a supplemental order, which they have not been able to get, and therefore a part of the work stands over. I do not think they went to his Honour about it, but went to his clerk, and were told that, as they must go back on further directions, a supplemental order could not be granted. This is rather a large case, and is a specimen of a decree done by counsel. I can give another which was done by the solicitors, which probably shows the working of the registrar's office even still better. This was also in an administration suit. The only thing special in this case was that it was an intestacy, and some of the children had advancements which they were obliged to bring back and account for, and therefore it required somebody to do it who understood figures. This is not the bill of the person who had the conduct of the cause. He begins in this way, "Attended Mr. ———," the plaintiff's solicitor, "on several occasions during the last few days, upon the draft minutes he had prepared."

1014. What was the date of the decree there?—That was on the 9th of June 1854. *R. B. Follett, Esq.*
 and this entry seems to be under date of the 9th. He seems to have had a conversation
 as soon as he came out of Court. That is to say, it is not dated. “Attended Mr. ———”
 “on several occasions during the last few days upon the draft minutes he had prepared,
 “and engaged with him, perusing and considering the same with him, and going
 “through same carefully, when they appeared to me, with the alterations suggested by
 “me, to embrace all the directions necessary to work the judgment of the Court.”
 Then, under date of June 1854, he makes a copy of them. On the 23d of June there
 is, “Attending appointment to settle minutes of order, when many objections made
 thereto, particularly as to paying Mrs. ———’s moiety in cash, &c.” Then the next
 entry is July the 10th, “Attending another appointment to settle the minutes, and on
 the 24th another appointment to settle the minutes;” but Mr. ——— not attending,
 the registrar made a peremptory appointment for Wednesday, at one o’clock, of which
 notice was to be given Mr. ———, and if he did not then attend, he (the registrar)
 would consider what further steps should be taken. On the 26th they attend an
 appointment, “but Mr. ——— did not attend, and the registrar arranged that all
 “parties should attend at Mr. ———’s office to-morrow, at twelve o’clock, and endea-
 “vour there to arrange the minutes.” Then, July the 27th, “Attending meeting at
 “Mr. ———’s office accordingly on these minutes, when many alterations were pro-
 “posed and made therein, and appointment made to meet again at the registrar’s at
 “twelve o’clock to-morrow. Engaged nearly two hours. 28th, Attending at the
 “registrar’s office accordingly, and suggesting still further alterations, which were
 “acquiesced in, and the draft of these alterations was to be sent on to me. Having
 “received these alterations, engaged carefully revising the same, and settling the
 “registrar’s copy, and attending the registrar thereon, going through the same, when he
 “approved thereof, and if also approved by other parties, the order was to be tran-
 “scribed.” Then, on the 31st, there is, “Attending Messrs. ——— and Company
 with these minutes, going through same, and obtaining their approval thereof.” Then
 he writes a letter to Mr. ———, to say that he is ready. Then, on August the 1st,
 there is, “Attending Mr. ——— on his calling as to these minutes, and conferring with
 “me thereon, and explaining what had been done, and he was to see Messrs. ——— and
 “get the order transcribed.” Then he, on the 3d, writes, “Messrs. C—— and Co.
 “as to passing the residuary account so as to close the fund, and as to at once
 “realizing the outstanding estate.” Then there is, “Attending Mr. ——— on his
 “calling, and stating that the registrar objected to a paragraph inserted in the minutes
 “by Messrs. ——— and Company, and attending upon Messrs. ——— with the minutes,
 “and explaining this to them, and they were to see the registrar thereon.” On
 September the 25th, “Attending Mr. ———, endeavouring to arrange a course of
 proceeding with him to get the residuary account passed.” Then they go over to
 Michaelmas Term, and on November 28th he attends on Mr. ———, and urges him to
 complete the order. On the 29th he attends “Appointment to pass decree, but same
 “went off, Messrs. ——— and Company not having had sufficient time to go through
 “it, but had had a copy made, which they would go through, and send to Mr. ———
 “with their alterations; and appointment was made for to-morrow, at one o’clock.”
 Then, November the 30th, “Attending further appointment upon these minutes, dis-
 “cussing the inaccuracies in the decree, and explaining the proposed alterations, and
 “considering the working of the decree, when an appointment was made for to-
 “morrow, and in the meantime Mr. ——— was to consider the alterations made in
 “Messrs. ——— and Company’s copy of the minutes.” On December 1st there is,
 “Attending appointment to registrar, when Mr. ——— objected to the decree being
 “passed, alleging that the minutes had not been settled, and urging other objections;
 “discussing same at great length, when the registrar went through the minutes and
 “settled the same, and directed the decree to be in conformity.” Then, on the 6th of
 December, “Attending appointment to pass decree, and engaged with all parties
 thereon.” Then he writes to his client and so forth, and on the 12th of December we
 have, “Attending Mr. ——— on this decree, and the difficulties he had experienced
 “with same. Attending with him to the registrar, who wished us to see him to-
 “morrow, and he would in the meantime read it over.” On the 13th of January 1855
 there is, “Attending the registrar again this day, and engaged with him considerable
 time, and after answering his several inquiries thereon he passed the decree.” There
 was nothing in that decree (I have looked at it—I have a copy of it here, in point of
 fact) that any man of business might not settle in two or three hours.

1015. With reference to the observation which you made, that it would be very
 expedient that the registrar should exercise more control and have more peremptory
 authority over the passing of a decree, is it not very necessary for that purpose that the
 registrar should have heard the cause through, and know what the cause is about and
 what decree the Court made?—I should think it would be exceedingly desirable. I
 think it exceedingly desirable to attach the registrars to particular Courts, so that they
 should know what is taking place.

1016. At all events, must it not be a great detriment to the registrar that he sits with
 one Judge to-day and hears part of one cause, and goes to another Judge the next day
 and hears part of another cause—must it not very much prevent his duly performing his

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functions?—No doubt. I do not know what the reason for the rota is, but apparently it is an extremely bad mode of doing the business.

1017. If it be considered that the attaching one registrar to each Judge would tend to produce a different practice of the different Judges and the different registrars, might that not be met by their taking a rotation of term and term about, instead of day and day about? Would not that tend to diminish the evil?—It would tend to diminish that evil, no doubt, if it be an evil of any very great importance. The variations must necessarily be very slight.

1018. You would recommend a permanent attachment of the registrar?—I should have recommended a permanent attachment, but if what is mentioned is any great evil, then the plan now suggested would meet it, I think.

1019. We see that in one of the bills to which you have referred, you taxed off a very large proportion?—I think I agreed with all the parties, that instead of taking the two fees of 13s. 4d., they were to have two guineas each. I recollect having expressed my surprise, and said, "Why on earth were you so long about this order?" One of them said, "Why, to tell you the truth, none of us took the trouble to make ourselves masters of it; that is the plain English of the story."

1020. Why, in your judgment, does such delay take place, since the parties are not allowed all these charges for attendances,—it is only an inconvenience to them?—I believe what I have stated is the real story, that neither of them had given himself the trouble to make himself acquainted with it, and that is one reason why I particularly wish that the registrars should do their work by fixed appointments, so that a man may know that by a given hour on a given day he is to make himself acquainted with the particular cause and be able to attend to it; but as the thing is done now, a man walks into the registrar's office, and probably the chances are rather against than in favour of his finding either his opponent or the registrar there, and having done that two or three days following he necessarily forgets all his little points about figures and minute arrangements.

1021. It is peculiarly a sort of knowledge which slips out of the head?—Yes.

1022. Would you suggest the registrar fixing a certain period and then delivering out his minutes?—I jotted down a few notes just now; probably you will be kind enough to allow me to refer to them. I have suggested first that the registrar should exercise a greater judicial control over the orders and minutes. Then, for that purpose to issue appointments for fixed periods, which all parties should be considered bound to attend; that it should be the duty of the solicitor having the conduct of the order to ascertain that the minutes are ready, and to procure such appointment, and to give notice thereof to all parties; that in default of attendance the registrar should be at liberty to proceed to settle the minutes and to pass the order *ex parte*. Then I have put a note, which you will probably judge a good deal better of than I can. I have written, There is, I believe, a practical difficulty in getting the names of the solicitors and counsel who appear in Court, and a delay occurs in getting the briefs of all parties left. Can any arrangement be made with respect to this? I should think some arrangement might be made, but what I really cannot tell you. My next note is for the purpose of giving a proper control to the registrar: the practice laid down in the judges' chambers with respect to notices and adjournments by 16th, 18th, and 19th orders of 16th October 1852 would be found very beneficial. At present, the notices to settle minutes and pass orders are notices of courtesy, the strict practice being that the party is entitled to draw up his order without notice. In fact, however, the registrars require notices to be given, and it will be desirable to make the notices necessary, and that the registrars do proceed *ex parte* on proof of service, and for this purpose the registrar should have power (if he has it not already) to administer an oath. Query, whether to make it the solicitor's duty to prepare and leave with the registrar minutes of the order he seeks to draw up, instead of leaving it to the registrar to draw it? In general this is now done, sometimes the minutes being drawn by the solicitor, more generally by counsel. To extend it to all cases would not much increase the general expense, care being taken that the charge for drawing the minutes is not made both before and after the hearing. But I should wish the opinion of the registrars to be taken on this point; for, so far as I can judge from the bills of costs, the minutes prepared both by solicitors and counsel, and more particularly the latter, are frequently so informally done that little trouble appears to be thereby saved. I have then said, I do not know enough of the interior arrangements of the registrars' offices to suggest any changes as between themselves and their clerks, but I am sure that the due discharge of their work must be interfered with by the inconvenience of their offices. Each registrar ought certainly to have a room for himself, and he ought to be able to make such arrangements for his work as to have only one set of parties before him at a time. Whether for this purpose he should have a private clerk to keep his papers and make his appointments, I am unable to suggest, but judging from my own work I should say that these appliances are essential. It would make an immense difference to them, I am sure, to give each registrar a private room and clerk.

1023. You have a clerk, I suppose, in the outer office, who sits there?—Yes.

1024. Who sees everybody?—Yes; and who tells me the day beforehand what I have to do; who puts out all the papers for me; and who sees that two sets of people do

not come in to me at once. My next note is the following: I would suggest some amendments in the forms of the orders; there are forms of some orders which the registrars themselves have prepared for the purpose, which it seems to me may be used with benefit: certainly all the common forms should be struck out, for they are difficult to be understood, even by people who are always doing it; and when one considers the immense mass of solicitors who are now let in to do this sort of work, who probably do not pass above one or two decrees in a twelvemonth, one can understand how much they are puzzled by it. I myself have a great notion that the order would be improved if you had it written in paragraphs instead of in one continuous sentence. If you look at this decree, and at the directions about the money you will find them very confused.

1025. Upon a matter at chambers the inquiries are always put in distinct paragraphs?—Yes; but it is all these money directions which give the trouble.

1026. Is there anything else which you would suggest, or does that paper which you have read contain all?—It contains all that has occurred to me at present.

1027. Do not you think more might be done in the Court by the counsel as to the minutes of the Court?—I have no doubt a great deal more might be done; but I have my doubts whether it ever will be done.

1028. If it might be done, why should it not be done, except that it is not desirable, having regard to the course of business?—I know that in the pressure of business there is a tendency to tie up your papers as soon as you have done your work. I myself, sitting in a room, frequently find it difficult after I have done the work to get the parties to wait long enough for me to take down their names. Besides that, you must recollect that greater difficulties in these cases occur in unopposed orders than in opposed orders. I believe the last that I was reading to you, if not in form was certainly practically an unopposed order; there was nothing in it.

1029. Do you think it would be any advantage if the registrar were made to return periodically to the Judge the state in which the different decrees were;—to give an account of the state in which the orders were,—those that had been drawn and those that had not been drawn, and why?—He would not know why.

1030. We suppose there is no doubt that the causes of the delay in the registrar's office are not to be attributed to one matter alone, but that there are several causes co-operating—one, for example, we suppose would be that the registrar either cannot or does not take a sufficient note of the decree which is made. Probably, if the registrar was in a condition to take a complete note of the decree made when the judgment is pronounced, it would very much facilitate the drawing up of the decree?—It would of course facilitate the drawing up of the decree, but then you will recollect that there are an immense number of causes in which there is no deliberate judgment ever pronounced. You look, for instance, at the prayer of a petition and see that it is right, and you say that the order should be according to the prayer of the petition; and if that petition is properly drawn, the prayer of the petition ought to be the order; but the chances are twenty to one that the prayer of the petition is not properly drawn, and the Judge satisfies himself with seeing that in substance the petition asks only for what he ought to order, and he necessarily leaves it to the officer of the Court, or to the parties, to put it in proper form.

1031. Do not you think that another cause of the difficulty and delay in drawing up the order in the registrar's office arises from the fact that the endorsement by counsel on their briefs is very insufficient?—That very often is the case. I understand it is the practice of the counsel at law to endorse their briefs, and to have them countersigned by their opponent; but there they have only one opponent, whereas here there are so many that you could not get it done.

1032. And there it is verdict "for the plaintiff" or "for the defendant"?—Yes. There is another reason—you must not throw all the blame of this upon the registrars—the solicitors send clerks there who do not know whether they are for plaintiffs or defendants. The clerks who are sent to do this sort of work very often have no more notion of what order they want than a stranger.

1033. In short, the purport of the question put to you is, whether you can say that there is one cause only, or whether there are not a great many causes co-operating, and therefore whether you do not want several remedies applied instead of a single remedy?—I have no doubt there are several causes, and you want, as it seems to me, to put the thing in some sort of shape, which will compel the several persons who have to deal with it to transact the work with a little more regularity. First of all, you want to enable the registrar to have a judicial power over it; then you want to compel the solicitor either to go himself, or to send somebody who understands what he requires; and then you want to see that that person comes at the same time as his opponents are there.

The witness withdrew.

R. B. Follett, Esq.

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Mr. PEARCE WILLIAM ROGERS, examined.

Mr. P. W. Rogers.

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1034. You are one of the clerks to the registrars?—Yes.

1035. One of the senior clerks?—Yes, the fifth clerk to the registrars.

1036. We have had printed a statement made by the registrars, which we have read very carefully, and which you have read, no doubt?—Yes, it originated with me, and I prepared the original draft.

1037. There is a great delay frequently at present in the passing of orders, is there not?—I do not think that there is in the passing of orders.

1038. We do not mean in the passing in the registrar's office, but there is a great delay between the time when the order is pronounced, and the time when the decree is finally passed and entered?—There is apparently a great deal of time consumed, no doubt, in many cases, but not attributable to the registrar's office.

1039. In some cases as much as six or seven months?—I should think those are very much the exceptional cases, and that not 1 in 100 occupies so long as that period. I have brought with me my work-book—which I may be allowed, perhaps, to produce—as it shows the time occupied in drawing decrees and orders. In this book I extract daily from the registrar's minute book the work of each day that my registrar is in Court, and also enter the summonses of that day sent from chambers: it is arranged in columns, so that it may be seen, first, when papers are brought into the office, and the order is bespoken; secondly, when the draft of the order is drawn and given to the stationer to be copied; thirdly, when that draft order has been settled by the registrar, and returned to me in such a state that I may prepare it for the writer to engross; fourthly, when the draft order is given to the stationer to engross. The page of the book now open is part of the Master of the Rolls' work of last Saturday.

1040. That was a short cause day?—Yes, and an unopposed petition day. The crosses in the first margin will show what orders have been bespoken and drawn; those with a single line against them have been bespoken and not drawn, and opposite those where there is no line drawn the orders have not been bespoken or the papers left.

1041. It appears that they have all been bespoken except three. Will you just give the figures, and when they were bespoken?—Sixteen fell to my share that day. I may perhaps state that on those short cause and unopposed petition days, for the purpose of expediting the drawing of the orders, the two registrars who are attending on the Court in that week take the business between them by the letters of the alphabet, the registrar who sits in Court taking A to K, and the registrar who is not in Court taking L to Z. That was done with a view to facilitate the transaction of business, inasmuch as if the whole fell to the share of one registrar it would inevitably occupy double the time that it does at present. Last Saturday I see there were five short causes and twelve petitions which fell to my lot, that is to say, of Mr. Davis the registrar, to whom I am now attached. Of those five short causes the whole of the papers have been brought in, and in two the draft decrees have been prepared and given out to the writer to copy to-day. Of the twelve petitions, in eight cases the papers have been brought into the office; in five of them the draft orders have been drawn and given out to the writer; three of them were bespoken on Saturday, drawn on the same day, and given out to the writer to be copied. I may mention that that is perhaps an unusual circumstance, but I have been in the habit, as far as the state of my business would permit, through the kindness of the other clerks attending to my business during my absence, of going into Court from 10 to 11 on petition days, when I have to draw the orders on any of the petitions, so that I may have an opportunity of hearing what takes place, and taking down my own note; consequently the facility of drawing the orders is very much greater than it would have been had I to begin and read through the papers after they were left in the office, without having had an opportunity of hearing what had fallen from counsel in Court, and also of knowing exactly what the Judge intended when he made the order. But I may add, that if any question should arise as to the terms of the order pronounced by the Judge, it would be determined by the registrar's note, and not by mine.

1042. You were in Court on Saturday upon that occasion?—Yes. Then the other three cases in which orders have been bespoken but are not drawn arise from a circumstance which, like many others, causes very great delay, and that is that the papers have not been left in a complete state: this is of so recent a date that I believe in each of those cases I can state what the papers are which are required. In one of them, after I had read through the papers, I found that there was a fund in Court to be dealt with, but that the Accountant General's certificate was not with the papers; consequently without that I have no knowledge of any fund being in Court, and what is more material I do not know the exact fund, or the account on which it is standing, which is necessary to be stated very precisely in the order, otherwise the Accountant General will not act. The next case is one of a vesting order where there are new trustees of a charity, who, it is alleged in the petition, have been appointed, but they adduce to me no evidence whatever that they have been duly appointed in the mode prescribed by one of the orders in the same charity made by the Court of Chancery about ten years since; consequently, in that case I felt that the registrar would authorize me to decline to draw

the order until I had evidence that those trustees were properly appointed. In the third case there are some papers wanting of so material a nature that I felt myself justified in declining to draw the order, inasmuch as if they were not forthcoming the whole of my labour might be wasted.

1043. Does not the Court frequently require the following: Upon petitions it says, "You must prove the death of some particular person, and if you produce the certificate of burial and an affidavit of identity to the registrar you may have the order." Those must be produced before you can draw the order, or before you can pass the order?—In those cases I have always drawn the order without waiting for the affidavit, making a note on the draft, "The affidavit required by the Judge must be produced to the registrar;" but considerable time frequently elapses before the solicitor produces it to the registrar.

1044. One thing everybody seems to agree upon, that it would be a great improvement in the registrar's office if each registrar had a room to himself?—Unquestionably. If Mr. Bedwell, to whom I was attached, were living, he would be able to speak for himself; but I may be allowed to say, that many a time has he been obliged to come into the outer office, and he has told me personally, "There are a dozen solicitors squabbling about an order before Mr. Wood," who was his colleague; "I can neither understand what I am reading, nor can I do any work whatever;" and this unfortunately occurs when the Courts are not sitting, as each registrar is then in attendance at the office, when the greater portion of the business in our office is transacted, as the solicitors frequently postpone settling many of the long decrees and orders until that period.

1045. Would it also be a great advantage to have some clerk sitting in an outer office to make appointments for the registrar, and to settle who should come in, and to take care that only one set of persons came in at a time?—That would be very advantageous, but I think it would be very much more advantageous if the present clerks were relieved of many of the mechanical duties which they are now called upon to perform—namely, receiving from the solicitors their papers, and re-delivering them when they apply for them. I may state that, having been six years previously to my present appointment managing clerk to Mr. Follett, I had an opportunity of seeing the effect of the system existing in the registrar's office in lunacy, where the clerks who draw the orders sit in an inner room, and being entirely separated from the room in which the solicitors met, were enabled to devote the whole of their time to the transaction of what I may term their more important duties, and at the same time the duty of attending to the solicitors and receiving and delivering out their papers was better transacted by the clerk who sat in the outer office, inasmuch as he gave it his undivided attention, whereas at the present time in our own office it is constantly the case that when I am drawing a long intricate order dealing with heavy funds in Court, requiring so much application that I am obliged to carry calculations in my head, a solicitor comes to me and says, "I want a brief." After searching for it in vain I tell him that I cannot find it, and beg him to see whether he has not it at home. The next morning he comes and says, "I am very sorry for the trouble I have given you; my clerk fetched it away, and put it on my table unknown to me." The duty of receiving and delivering papers is such a constant source of annoyance and interruption to us at the present moment, that I am afraid to say how much time is thereby lost. I frequently find that when this has occurred I am very apt to omit something important in drawing the order as I have been taken off the thread of the subject, and, happening to have resumed it at a different point from where I left off, I have omitted something very material. Therefore I think that the greatest benefit would be derived by the appointment of a sufficient number of assistant clerks to receive and deliver out papers and also perform such other minor duties as the registrars might impose on them.

1046. That is the course now adopted in the judges' chambers and in the taxing master's office?—Yes; and it has been in operation in the office of the registrar in lunacy since the period when I first transacted business there, now twenty years since.

1047. Would an advantage be gained by making the attendances of solicitors peremptory?—I can speak from experience on that subject, having had a very large quantity of business to transact before accepting my present appointment; and I feel that it would be impossible to make every appointment peremptory as the Judges require the solicitor's attendance in Court on their causes coming on for hearing, and therefore he cannot be in two places at one time. If he is expecting a cause to come on, he would rather lose an appointment in the registrar's office than omit being present in Court when his cause is being heard.

1048. Do the clerks draw the decrees?—The registrars draw the minutes and sometimes the drafts of the decrees, but the clerks draw all the orders on motions or petitions and on the summonses, and complete those draft decrees of which the registrar prepares only the minutes.

1049. But not decrees?—No.

1050. Nor decretal orders, as they are called?—No, not decretal orders.

1051. That is to say, on further considerations, or further directions?—Or on motions for decrees, or on claims.

1052. What is the reason of that distinction?—Why do the clerks never draw the decrees?—It has never been their practice to do it, and it would be wholly out of their

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power to undertake those duties at present, their time being fully occupied in performing their present duties, but it would be a great advantage to the senior clerks if they could do so.

1053. It is said that sometimes a delay takes place arising from this circumstance, that even with a common money order, where it is very pressing, it is taken up in rotation?—Every order is taken up as nearly as possible in rotation; at least I have adhered to that rule, because I have felt that it would be impossible to draw a distinction between one kind of order and another kind of order, if I once acquiesced in the requirement of a solicitor. I also consider that I probably should be open to blame by the Court, if I showed any favour to one solicitor over another. (*Answer 976 was read.*) I have heard of that case before; but as it was not an order of mine, I am unable to state anything respecting it; but I believe the gentleman who is referred to could furnish a satisfactory statement of the reasons why he did not give it a preference over the orders that had been previously bespoken.

1054. Have you known that sort of thing to occur in your experience in the office, of an order of very great importance, in consequence of some person going away, but which could not be taken out of its turn in consequence of that rule?—Never, where there has been a good reason shown. We always, where there is a good reason shown, consider it our duty to take an order out of its course, in the same way that we take injunction orders, and orders for a writ of *Ne exeat regno*, and other orders of that nature, and just before the closing of the Accountant General's office for the long vacation we give a preference to money orders.

1055. So that if you were told that it was the case of a trustee who had to receive money, and it was he only who could do it, and he was going to India in two or three days, you would pass the order before he went?—I should do so if the solicitor had used due diligence in bringing me the papers. I may mention that on a petition heard on Saturday, in which his Honor the Master of the Rolls made an order for payment out of Court of a large sum of money to complete a purchase which was carrying interest at a high rate, the papers came into the office on Saturday, and the order was drawn on the same day. The solicitor had the draft on Monday; some little question arose upon it; but I see the draft order has come back to-day, and has been given out to the writer to be engrossed.

1056. Here is a bill of costs which Mr. Follett put before us, in which it appears that the decree was pronounced in June, and, in fact, it was not really passed and entered till the 13th of January following. The decree has been produced, and according to Mr. Follett's account there was practically no opposition in the case, and really no great difficulty in it?—That would fall to the registrar to explain.

1057. As far as it is possible to judge from the items in the bill of costs, the delay appears to have arisen from a want of attention or the impossibility of getting the attendance of all the solicitors at the same time. Can you suggest any mode except a peremptory order for getting over that difficulty?—It is extremely difficult to know what to do in a case of that sort. My own impression is, that the only mode of curing it is this,—that on the second appointment to settle the draft decree or order, if any solicitor neglected to attend and produce his brief, the registrar should be authorized to enter the affidavit of service against him in case his counsel did not appear in Court on the hearing, and where counsel did appear to proceed with the decree in the absence of the solicitor.

1058. You would make the second appointment peremptory?—Yes, and dispense with the attendance of the solicitors to pass the decree or order, except that of the solicitor having the carriage thereof.

1059. Mr. Follett suggests that you would find it very convenient to do this also; namely, when the solicitors have come before you, not to allow a new meeting to take place, but to adjourn the meeting to a particular hour and day, and then to proceed with the matter peremptorily, if it had not been concluded on the preceding occasion, in the same manner that the chief clerks do now, and where it is found to work efficiently and well?—This is a very good suggestion; but at present the great evil arises, no doubt, from the offices and courts being separated one from the other. If they were nearer together, I think that that suggestion might be carried into effect very easily.

1060. With reference to that observation, does it occur to you that it would very much tend to facilitate business, not only in the registrar's office, but in all the different offices connected with the Court of Chancery, if they were all under one roof, so that there was a means of immediate communication from one to the other?—Most unquestionably; and from having had six years' experience as a managing clerk, I have personally felt the inconvenience arising from the offices and courts being separated from each other.

1061. Is not that inconvenience a good deal remedied by the Courts not sitting at Westminster now?—Very much indeed. The number of appointments which we were obliged to lose in the Master's offices during term would scarcely be credited at the present moment.

1062. You do not think that it would be necessary to have the intervention of the solicitor to pass the order, but as soon as the registrar had signed the decree and entered it, it might be passed to the entry office, and entered at once, might it not?—It might;

and I find from Mr. Leach, one of the present registrars, that it is his usual practice to do so, and that it works well.

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1063. It now takes twenty-four hours, in fact, to do it?—Yes, but I may state that I have myself personally always wished to see Mr. Leach's practice generally adopted; but Mr. Bedwell, during the time I was his clerk, thought that he ought not do it without the sanction of the Court, inasmuch as the solicitor might wish to have an opportunity of seeing the decree after it had been passed, before it was entered.

1064. Do you think that any advantage would arise from the solicitor leaving at the registrar's office the form of the order which he would desire to be passed, or thought should be passed?—The minutes of the decrees handed in are very useful to the registrars, but where draft orders on petitions have been prepared by the solicitors, I am sorry to say that they are of little or no value, and that in the great majority of cases I have been obliged to entirely reject it, and draw the order from the papers. There are so very many minutiae which we are obliged to observe in consequence of general orders which the solicitors are not acquainted with, that it is only from long experience that we know how to draw the orders so that they will work, particularly those to be acted on by the accountant general.

1065. Do you think that the suggestion of the registrar, of omitting in the decrees and orders certain formal words, might not also be carried into effect?—Certainly, and with very great advantage; and what is more, I even suggested myself several which the registrars did not entertain. For instance, with a view to shortening the length of orders, I proposed that the year of the reign of Her Majesty should be left out of the commencement of every order; for I find on calculation, that inasmuch as the orders amount to between 11,000 and 12,000 in a year, those words alone amount in the aggregate to 2,000 folios a year, which would occupy one writer somewhere about three weeks.

1066. And the orders might be very much shortened by adopting those suggestions?—Very much indeed.

1067. That would give great relief to the office?—Yes; and I think that we might then be able to save a day in the copying of each order.

1068. Has not that been done to some extent by a general order, declaring that in all orders to a certain effect they should be held to include certain directions which formerly were put into the order itself?—That was done by the orders of October 1852, as respects decrees relating to creditors, and orders for receivers, and for the sale of estates, when a great number of words of course were directed to be omitted; but the alterations suggested by the registrars have to a great extent been adopted already in the lunacy office, and after having been in practical operation for three years, have been found to work well.

1069. With great advantage?—With very great advantage.

1070. When an order is brought to you to draw, what are the materials furnished to you? Have you the note in the registrar's book?—The work-book which I keep, and in which I daily extract from the registrar's minute book what has been done, usually contains sufficient to enable me to draw the order, but in very special cases I refer to the registrar's minute book.

1071. This is your own book?—That is my own work-book.

1072. When you begin to draw the order, from what materials do you proceed?—From the papers furnished to me by the solicitor.

1073. Only the papers furnished by the solicitor?—The papers furnished to me by the solicitor, with the aid of the registrar's minute (of which there is an extract in the work-book), which I am bound to follow, even where it differs from the counsel's endorsement, as the registrar is sworn to draw up and pass all orders as pronounced by the Court.

1074. Then you are furnished with the registrar's minute?—Every day that my registrar is in court I extract from the registrar's minute book into that work-book the business of that day.

1075. Then the materials from which you draw the order are the registrar's note taken in Court, the counsel's briefs, and the other papers, furnished by the solicitor?—Just so. I may perhaps be allowed to hand in a document which was framed by myself some time ago, containing directions to the solicitors as to what documents should be furnished to the registrars on drawing all decrees and orders, and the result of that has been that a very great improvement has taken place, inasmuch as we now find that papers are brought in a very much more complete state than they used to be. This document has been put up in the office, and published by Cartwright, the law stationer, and is sold to the profession, and it has been also recently revised and inserted in the new edition of Seton on Decrees, where it will be found at page 585.

1076. This is pointing out what papers should be furnished for different sorts of orders?—Quite so.

1077. This work-book is only an index; you do not copy the registrar's minute?—The registrar's minute is extracted under the head of "Order made," in the last column, excepting in cases of decrees; and inasmuch as decrees are drawn by the registrar, and not by the clerk, I only take a note of the title of the cause, and a sufficient minute under the head of memoranda to enable me to draw the introductory part of the decree. I may observe that "a. p." signifies according to the prayer: and after being in Court, a

Mr. P. W. Rogers. great deal of the order I carry in my memory, without being under the necessity of extracting from the registrar's minute book.

10th July 1855.

1078. We need hardly ask whether you find that it is a great assistance to you being present during the hearing of the motion or petition, and particularly at the delivery of the judgment?—I find that it relieves me to the extent of one-half of my duties in drawing an order; but the great benefit which I derive is, that it ensures accuracy. I cannot then be imposed upon by anything I hear from the solicitor, or by what I read in the papers, as I know exactly how much the Judge was cognizant of when he made the order. Of course we are sometimes obliged to trouble the Court when the registrar feels a difficulty or a doubt whether he ought to let an order go without drawing the Judge's attention to a fact that the attention of the Court has not been called to.

1079. The minutes which you make are very short?—Yes, they are; for I carry so much in my memory, that I require very little aid from the minute book, except in a case of doubt or difficulty, or where the decision of the Court is of a special nature, and then I refer to the registrar's original minute on drawing the order.

1080. Under the heading in your book of "Order made" is there an exact transcript of what appears in the registrar's book?—No; it is very much curtailed indeed.

1081. It is not a copy of the registrar's book?—Only to an extent sufficient to enable me to draw the order.

1082. Do you often find a difficulty in knowing what is the purport of the note in the registrar's book?—Very rarely indeed. When I come to read the papers, I see what the registrar intends me to do, except in a very few instances, how the order ought to be framed, and if I feel any doubt or difficulty I take the registrar's direction thereon.

1083. Do the other clerks of the registrars keep similar books to this? Is it the practice of the office?—The book was first introduced by Mr. Latham, one of the present registrars, when a clerk, for his personal convenience; and the other clerks soon after adopted it. There has been no express direction from the registrars for us to keep those books, but they are now kept at each registrar's seat, and the clerks find them indispensable.

1084. Some complaints have been made of the short attendance at the registrar's office. You attend now from eleven till three, we think?—The office is open for public business from eleven to three, but that does not in any way regulate our attendance.

1085-6. The question refers to public business. It is suggested that it might be open from eleven to five?—I do not think this is desired by the solicitors in the largest practice, as will be seen by the following documents, showing what took place when the office was opened for public business from eleven to three:—

Chancery Registrar's Office, January 1844.

It having been represented to the registrars that an alteration in the hours of public business would much accommodate the profession, the solicitors are requested to communicate to the registrars what hours would best suit their general convenience.

We the undersigned consider, if the registrar's office were open to the public from 11 to 3, instead of from 10 to 2, great accommodation would be afforded to the profession, and that the four hours from 11 to 3 would be sufficient for them to transact all their business in that office:

Charles Skirrow, Clerk to Messrs. Gregory and Co., Bedford Row.
Edward Weatherall, For Self and Partners, Johnson, Son, and Weatherall.

David Gray, For Self and Partners, Clarke, Medcalf, and Gray.

William Kewell, For Self and Partner, Gregson and Kewell.

Francis Downing, Clerk to Walker, Grant, and Co.

William Janeway, For Sudlow, Sons, and Torr.

Palgrave Simpson, For Norris, Allen, and Simpson.

Thomas Chrimes, For Meredith and Reeve.

A. W. Smith, For Weir and Smith, Coopers Hall.

George Hildyard.

Thomas Loveland, For Loveland and Beckett.

R. Hunt, For J. C. and H. Freshfield.

J. Roumieu, For Whitmore, Roumieu, and Walters.

G. Lay, For Henry Nethersole.

Chester, Toulmin, and Chester, Staple Inn.

F. W. Pike, 26, Bedford Row.

R. Buchanan, 1, Walbrook Buildings.

Bridges and Mason, Red Lion Square.

Geo. Mounsey Gray, Staple Inn.

Thomas Dimes, 26, Bread Street.

Joseph Callow, 3, Walbrook Buildings.

Maugham and Kennedy, 100, Chancery Lane.

Charles Shaw, 47, Fish Street Hill.

John P. Parken, 13, New Boswell Court.

Hertslet and Co., 31, Norfolk Street, Strand.

James Layland, For Smith and Allistons, 4, Warneford Court.
 Bernard Senior, For Blackmore and Senior.
 Few, Hamilton, and Few.
 R. Eawood, For Sweet, Sutton, Ewens, and Onmanney.
 John Turner, For Parkes and Preston.
 Hor. Earle, Clerk to Charles Ford, Bloomsbury Square.
 Sheppard and Co., 9, Cloak Lane.
 John Freeling, Clerk to W. Gresham, 3, Castle Street, Holborn
 Smedley and Rogers, 40, Jermyn Street.

Mr. P W. Rogers.

10th July 1855.

NOTICE.

Registrar's Office, 26th January 1844.

After the 31st day of January 1844, this office will be open to the public for the general business of the suitors in this office from 11 o'clock in the forenoon to 3 o'clock in the afternoon.

The office will be open for inspection of the cause books and cause papers from 9 o'clock in the forenoon and between the hours of 5 and 6 o'clock in the afternoon; but it is particularly requested that the registrars and the clerks be not interrupted before 11 nor after 3.

E. D. COLVILLE, *Registrar.*

1087. There are the names of the principal solicitors. In fact, formerly the office was open from five till eight in the evening; it was open, in fact, for seven hours, from ten till two, and then from five till eight; then the evening sitting was given up in consequence of the Rolls Court not sitting in the evening?—It was.

1088. And then the time from ten o'clock till two was changed to eleven till three, which is much more convenient to the solicitors?—Yes, the hour of assembling in the morning in all solicitors' offices has become later.

1089. But they say that from three o'clock till four would be most valuable to them?—I should not say so, if we may judge from the empty state of the office when the hour of three o'clock arrives.

1090. You think that they would not attend?—Not willingly. The registrar's office resembles the Royal Exchange,—all the appointments are given for very nearly one hour, namely, between half-past twelve and half-past one, and if a solicitor comes at that time he settles all the decrees and orders he is drawing up; consequently during that hour the state of confusion which the office is in, from the great concourse of solicitors, ought to be seen to be properly judged of. From eleven o'clock up to one o'clock they gradually increase; and then, from that time, they gradually decrease, till, when three o'clock comes, the empty state of the office shows they have transacted all their business.

1091. Is there anything further which you have to mention to us which you think might be useful to us?—If I had had longer notice there would have been probably something more that I should have been glad to have communicated; and if the Commissioners will allow me to communicate in writing any suggestions that may occur to me, I will take an opportunity of doing so as early as possible.

1092. You say the main appointments are from about half-past twelve to half-past one, but could not that be somewhat better arranged, so as to distribute the appointments over the four hours?—I think you must leave that entirely to the solicitors; they do it for their mutual convenience.

1093. The solicitor makes the appointment?—The solicitor always makes the appointment.

1094. Do you conceive that it would be at all advantageous that the registrar should have the power of making the appointments himself?—I myself do not think it would; but I think upon that point the registrars probably would be able to give a more satisfactory answer than I could.

The witness withdrew.

Adjourned.

Friday, 13th July 1855.

The RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

H. E. BICKNELL, Esquire, and R. H. LEACH, Esquire, examined.

H.E. Bicknell, Esq.

13th July 1855.

1095. (*To Mr. Bicknell.*) You are one of the senior registrars in the Court of Chancery?—The second registrar.

1096. How many years have you been in the registrar's office?—Since the year 1809,—forty-six years.

1097. What are the respective duties of the registrars, and of the clerks attached to the registrars, in drawing up orders or decrees?—The duty of the registrar is to attend the Court, and to take down the evidence and the minutes—to collect as much as he can as the cause proceeds, in order to assist himself in drawing up the order; and when the case is decided, to enter a minute of the order pronounced in his book. The brief is then left at his seat, at the option of the solicitor, either the next day or any day he pleases. It is left with my clerk: if I am in Court, he leaves the papers in my room, or brings them to me, for the purpose of my drawing the minutes. I then draw the minutes from my notes, and the direction of the Court, and return them to my clerk, who gives them to the stationer, in order that they may be copied fairly. After that, they are delivered to the several solicitors who have bespoken minutes; and when the solicitors consider them, they are brought back to the registrar or his clerk. If there is any difficulty about them, the solicitors attend the registrar. The minutes when settled and returned are put out, so that the order may be finished.

1098. What is the duty of the clerks who are attached to the registrars?—The clerk's duty is to take in all the papers on decrees, orders, motions, and petitions. The clerk draws the minutes upon petitions which are granted according to the prayer; but if there is any important variation or difficulty, the papers, as on decrees, are given to the registrar, who either instructs his clerk what to do or himself draws the minute. The same is done with a motion; if the motion is according to the notice, then the clerk draws the minute, and issues it in the same way as he does a minute upon a petition.

1099. The clerks draw all the orders upon petitions?—They draw all the orders upon petitions, which are granted according to the prayer.

1100. Supposing there is an order upon a petition under the statute, where money is paid into the Court by trustees, and in fact where the order made may be a complicated declaration of rights,—does the clerk draw that?—Yes, unless there is particular difficulty in the case, and then the registrar draws the minute.

1101. Is the decree upon a special case drawn by the registrar?—By the registrar; every decree upon a special case, or upon further directions, or on a claim, is drawn by the registrar.

1102. Are there other clerks in the registrar's office besides the clerks attached to the registrars?—There are three extra clerks who are not attached to any registrar but, generally speaking, are under the control of the senior registrar; those clerks draw up the orders of course, and certificates for the sale or transfer of stock.

1103. What are their duties?—Their duties are to set down the different causes in the cause paper in the list of causes, and to draw all certificates and all orders on motions of course.

1104. Do you think it would be expedient that any of the duties now performed by the registrars should be performed by the clerks attached to them, or that any of the duties now performed by the clerks attached to the registrars should be performed by one clerk rather than another,—by a superior clerk?—All the clerks are equal as to their station, excepting the three juniors.

1105. They rise by seniority, do they not?—Yes. The duties of the three juniors are the same until they become attached to one registrar.

1106. We suppose the senior clerks are more experienced than the junior clerks?—Yes, they have been longer in the office, and their duties are more important and require more experience.

1107. It requires a good length of time to do the business well, does it not?—It is generally a considerable time before they rise to be what is termed the clerk to the registrar, to do the important business. Perhaps the registrar has power over his clerk; but there is a notion that if I were to tell my clerk to draw the minute of a decree, he would say, "No; that is not my duty; it is the duty of the registrar." I apprehend it would be better if the registrar could say to the clerk, "Take this decree; it is a matter of course; it is in an administration suit, and you had better draw it." I never ask it. I should not expect a refusal, but I have always followed the old practice of doing the

duty which belongs to the registrar, and leaving the clerk to do the duty which belongs to the clerk. *H.E. Bicknell, Esq.*

1108. The orders upon petitions are sometimes very complicated?—Very complicated.

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1109. Those are drawn, in fact, by the clerks?—Yes, unless he requires the assistance of the registrar.

1110. If they are according to the prayer?—If they are according to the prayer.

1111. And even if there are variations?—The variations should appear in the registrar's book, who is in Court to take them; his note should be so made that the clerk could draw the order upon a petition, and if any difficulty arose he would lay the papers before the registrar to draw the minutes or order.

1112. Do you think it would be desirable that the registrar should have the power of drawing such orders as are considered difficult, and giving such orders as he considered easy to the clerks to draw, without regard to the circumstance of whether it was a decree, or a petition, or a motion?—I consider that I have that power.

1113. We understood you to say that you did not exercise it?—I do not exercise it, because it is not the practice; but I should consider it disrespectful in my clerk if I gave him a common order to draw on a summons, or an administration suit, and he refused to do it. I ought to be able, if I thought it right, to direct my clerk to do any part of my business.

1114. Practically have you ever done it?—No; but in order to exercise himself in the work my clerk often does draw a decree.

1115. Upon motion the orders are often very complicated?—Very complicated at times.

1116. Those are drawn by the clerk, are they not?—Usually, but if they are not according to the notice, and if the clerk feels any difficulty, they are drawn by the registrar or, under special instruction from him, by his clerk.

1117. But *prima facie* it is done by the clerk?—Yes; and if my note is sufficient for him, even if it is not according to the notice, it is done by him.

1118. We were informed the other day that the general rule was, that all decrees were drawn by the registrar, and that all orders upon petitions and motions were drawn by the clerk?—I think that is generally the case.

1119. And that if a clerk felt any difficulty in the case he consulted the registrar, but still that it was the clerk's duty to draw the order?—I think it is considered so.

1120. Sometimes there are difficult orders in injunction cases, and there are very long and complicated orders made partly by arrangement and partly by direction of the Court,—what is done in those cases?—If the clerk feels any difficulty he puts it upon the registrar's table. When I was clerk to Mr. Rainsford, it was scarcely the duty of the clerk to draw the order in any petition which varied very much from the prayer.

1121. There is no regulation prescribed upon the subject by any general order or otherwise, is there?—None whatever.

1122. It is merely a matter of usage in the office?—Yes.

1123. You have not control over your clerks in the way of dismissing any clerk?—No; if I have reason to complain I must inform the Chancellor.

1124. That you would only do in a very extraordinary case?—Yes.

1125. You have no power of regulating the succession of the clerks, so as to put a man who shows himself very able above those who show themselves less competent?—None. It might happen that the registrar had a very experienced clerk for a number of years, and by a removal of this clerk, by resignation, succession, or death, the registrar might get a very inferior clerk attached to him.

1126. If you had that power would it be easy to exercise it,—of altering the succession of the clerks in the office?—It would be very difficult, I should think. The power, I suppose, must be in the Chancellor.

1127. Suppose the power were given to you—for instance, in almost all the government offices there is a power in the head of the office, upon a vacancy occurring in a superior grade, to select such one of the inferiors as he thinks most fit for it—to put him over the heads of all the others?—That is a power which I should never covet nor desire.

1128. Do you think it would ever be exercised if you had the power?—I should think not, except when a clerk wholly absented himself from the office; because I feel persuaded that the office of registrar and clerk in the registrar's office is of such a nature, that a man must feel his deficiency, and that he would not take upon himself the office of registrar if he was not competent.

1129. Are there not cases of a senior clerk declining to take the office of registrar?—It has happened more than once; we have one now in the office,—not from incompetency, but from a love of quiet and ease, and being satisfied with a less income than the office of registrar would give him. He is perfectly competent to take the duty. I should say there are some in the office in whose cases their age might be against them.

1130. The clerks have a great number of mechanical duties to perform, have they not?—A great number. They keep a book, which is very useful, in which they enter when the minutes are given out by the registrar, when they are returned, and when the order is passed.

1131. They take in and return the papers?—Yes.

H.E. Bicknell, Esq.

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1132. That causes a great deal of inconvenience and confusion in the office, does it not?—I think the keeping of the book by the clerks is an excellent plan, because if I wanted to know where any delay occurred in an order of mine, I should go to the book and see how long it had been detained in any of its stages.

1133. It is very desirable that such a thing should exist,—that it should be known exactly when papers were left and taken away; but as that is a very simple duty, might it not be performed by a clerk who had nothing else to do? At present, if a clerk is drawing an order of some complication and difficulty, and he is applied to to find some papers, the evidence before us tells us that it takes off his attention from what he is about, and interferes very much with his getting on effectively with the business?—No doubt it would be exceedingly useful, and I think would be a great relief to the clerk, but none to the registrar, unless that clerk were appointed to and by him.

1134. If there were such a clerk, he ought to be appointed to each registrar?—Yes.

1135. And to be removable at the pleasure of the registrar?—I should think so.

1136. He would have nothing else to do, in fact, but to keep the record in the books, and to make appointments for the registrar?—His business should be assigned to him by his registrar; there should be an additional clerk to each registrar. Otherwise my papers would be cast in with the lot, and they might be lost, or I might have great difficulty; but if I had a person to take in my papers, he should be appointed to me alone, and would be of great assistance to my clerk, who is single-handed at present. During the time which he now gives to that business he would then be engaged in more important duties.

1137. Are you aware that that is the duty of a clerk now in the office of the chief clerks attached to the various branches of the Court?—I understand it is so.

1138. Do you know how that works?—No.

1139. We have reason to believe that that is found to afford great assistance in the despatch of business?—I have no doubt of it.

1140. Would it be necessary in that case to have one clerk to each registrar, or could one clerk take in the papers for two registrars and make appointments for them, and take care that they were not disturbed by more than one set of persons at a time?—I should think a clerk to each registrar would be certainly best, but I am not prepared to say that one clerk in that sort of work might not do for two registrars.

1141. Having nothing to do with the drawing of orders?—No.

1142. Are you not very much inconvenienced now by the want of room?—It is distressing.

1143. From the impossibility of one man going on with his business while a number of persons are discussing another question in the same room before another registrar?—It is hardly possible to do the work; in fact, I do very little of my work at the office. I take it home with me. I cannot possibly think of drawing a minute with the bustle and confusion in the office and the continual interruptions, because the registrars who are there have the interruptions arising from the business of the others who are in Court. There are many things which must be done immediately—certificates, and other things which one registrar undertakes to do for another, and there is incessant interruption. Besides which the time of the registrars is much taken up in answering the inquiries of solicitors upon points of practice.

1144. Is there, in your opinion, sufficient force in the registrar's office at present?—I consider that, there being six Courts, it would be better if there were an additional registrar; it makes it difficult to form a rota for arrangements. Two registrars taking it in turn in the same Court would work better, and it would be a great relief.

1145. Do you consider that you have sufficient control at present over the clerks attached to your office?—I feel a certain control. I do not feel that I have a full control. I have no complaint to make.

1146. Can you suggest any mode by which that control could be increased?—The only thing would be that the registrar might be considered to have power to order his clerk to do any part of the business that he thought proper,—yet I have no reason in the least to complain; but it might occur in some parts of the office that the clerk might say, "That is not my business."

1147. And it would be sufficient, you think, if you had that power?—Yes.

1148. Does the present system of the office, by which a clerk gradually rises by seniority alone, as a vacancy occurs, to become a registrar, work well, do you think?—I think very well.

1149. Do you think it would be desirable to require a longer attendance at the office either of the registrars or of the clerks who are attached to them? You remember, as it is stated in the paper sent by the registrar's office, that originally the attendance at the registrar's office in the old time was seven hours a day?—Yes.

1150. From ten o'clock till two in the forenoon, and from five o'clock till eight in the afternoon?—Yes, when the Rolls Court sat in the evening.

1151. Then, when the Rolls Court gave up sitting in the evening, the attendance in the evening at the registrar's office was given up also?—Yes.

1152. And then, in consequence of the remonstrance of the solicitors, and its being much more for their convenience, the attendance was fixed from eleven o'clock till three, instead of from ten o'clock till two; that was so, was it not?—The Commissioners will

allow me to state that the suggestion emanated from the registrars themselves; it was from ten to three, but the registrar was not to be disturbed till eleven. *H.E. Bicknell, Esq.*

1153. But the public hours, which were from ten till two, were altered to from eleven till three?—Yes. *13th July 1855.*

1154. Do you think it would be desirable that the public hours should be increased?—I think the public hours from ten till three would be ample for the public at large. I think the hour from three to four is the most important hour in the day for the registrars, and the clerks and the suitors. For instance, if I come out of Court at four o'clock, and I find the building open to the public, I can have no communication with my clerk till they are gone; then if he is detained till four, I suppose he would wish to go home. Of course the registrars are in Court every day till four; then they must stop an hour or two after that to put the things at all into order, and I should say that it would be the greatest possible delay of business.

1155. Practically the registrar does not get to the registrar's office from the Court till four o'clock?—No; and frequently it is even later.

1156. But the public hour ceases at three?—It does; but the office is open for orders of a special nature,—*Ne exeat*s, injunctions, or marriage petitions; for any special order the door is open: there is never any delay in such an order, even after four.

1157. You do not think it would be a desirable thing to give an additional hour to the public?—I should say, certainly not; and in the statement which has been alluded to, the solicitors felt that the hours from eleven to three would be ample for the public.

1158. We have had evidence from various solicitors, who are of opinion that it would be very desirable if the office was open to the public from eleven to four, but you think that it would interfere with the business of the office?—I am perfectly indifferent about it, because I am never absent till after that hour; but it would be exceedingly inconvenient to find at four o'clock nothing prepared for me. It is perfectly impossible for a single clerk to a registrar, during the public hours, to arrange the business for his registrar; he is probably the whole of the day giving out and taking in orders, and he is engaged in the business of the day.

1159. Supposing you had a person to take in orders, and to give out orders, and to make appointments, and to keep all those matters in a book; supposing you had a clerk whose business it was to devote himself to that duty, then the clerk attached to the registrar would be able the whole day to be preparing the orders, and doing what was right,—he would not be disturbed, would he?—Just as much as at present, except as far as he is engaged in giving out and taking in the papers, because the supernumerary clerk could not answer important questions which are asked by solicitors generally.

1160. The result of your opinion is, that it would not be desirable to have the office opened to the public for a longer period than at present?—I really think, conscientiously, that it would be a great impediment to business. I pass all my orders, unless they are very numerous, before I go home to dinner, and that is during the quiet hours after three o'clock; that is, when the office is closed at three. If I knew that the clerks went for their pleasure at three, I should say, let the office be open till four; but as I know that the clerks do not leave the office till four, and they are usefully employed aiding the registrar, and the registrar is aiding the suitors by passing their orders, and having them ready by the next morning, I think it would be injurious.

1161. Do you think it would be expedient that a registrar should be permanently attached to one Court?—If it were possible, I think it would in several respects be convenient; but the great objection is, that there might not be an equality of business.

1162. Would there be any difficulty arising from any difference of practice?—I have always been an advocate for the rotatory system, because it distributes the work equally, and helps very much to keep the practice the same in all the Courts.

1163. Do you think that a registrar might be attached to each Court, not permanently, but for a considerable period, such as a term and the vacation following a term, or for a portion of a year, so as to have, instead of rotation by the day or two days, rotation by a quarter of a year or half a year?—I think, perhaps, it might work, but the present system is the best.

1164. There would be the advantage, then, that the registrar would be pretty sure, in almost all cases, to hear both the commencement and the conclusion of a cause?—That is one reason why I said I thought it might work. I see a difficulty in the present system, that the registrar takes a portion of a cause, and goes out, and hears no more, or another registrar has heard the whole cause, and he hears the judgment.

1165. Is it not almost impossible to know the full bearing of the judgment in a complicated case without having heard the cause?—I have not myself felt the difficulty; of course I must read the brief; I certainly like to hear the cause argued, if I am to draw the minutes. I like to hear the argument and the judgment.

1166. Does not it very much facilitate your drawing the decree or the order, to have heard the whole case from the beginning to the end, including the arguments and the judgment?—I should say it is not more than one case in ten where there is any particular difficulty. I have seldom felt much difficulty. I think it would aid us more by saving time in perusing the papers than in other respects.

H. E. Bicknell, Esq.

13th July 1855.

1167. Delays are complained of in the drawing and completing of decrees and orders, —to what do you attribute those delays?—I attribute the delay very much to the fault of solicitors, or rather of their clerks, in not having the kindness to look at a paper which the registrars took great pains in drawing up, telling them what their duty was in bespeaking decrees, motions, orders, petitions, and so forth. I should say that the delay arises to a considerable extent from their not attending to this paper.

1168. One of the great causes of delay is that you have not the proper materials?—We have not the proper materials.

1169. And if they attended to these suggestions, they would lay the proper materials before you?—Certainly. The first document which I want, after having a petition or decree, or order on further directions dealing with funds in Court, is the Accountant General's certificate; in nine cases out of ten they will not bring the Accountant General's certificate. If the order is of great importance, and the solicitor urges me very much to get it done, I have often proceeded to draw the order without the Accountant General's certificate. But what is the consequence? When the order has been passed it comes back; there is an alteration in the sum, the order gets mutilated, and very often scarcely fit to be seen, and I am ashamed sometimes when orders are handed up to the Court. If the solicitors would attend to these suggestions, I think the greater part of the delay in the registrar's office would be done away with. When I have gone through a case, and find that one defendant has not appeared in Court, I ask for the brief, to enable me to pass the order; the solicitor says, "I will bring my brief," but he does not bring that brief for several days, and that creates a great delay. I cannot help it; I cannot pass the order without it; unless I exclude his appearance altogether, which I can only do when the opposite party is prepared with an affidavit of service.

1170. Do you think it would be a desirable thing to have printed in large characters, and put up in your office and the outer office, that solicitors who apply for minutes of decrees or orders are required to furnish the following documents?—That is stuck up in large characters in our office, and has been so for some years.

1171. And they will not attend to it?—They do not. For instance, if the Commissioners will kindly look at the very first of our directions, it is, "Counsel's brief of the pleadings, and the correct title of the cause, the names of the several defendants being corrected from their answers, and the names of the guardians of any infants inserted." I am sure some of the Commissioners must be aware, that even after the cause is heard, when we come to look at the case we find there are no guardians at all; it is only discovered by reading the papers. If these directions were attended to, I cannot conceive where the delay in the registrar's office would be. As far as I am concerned with respect to keeping papers, I would rather get rid of them. Mr. Walker and myself always take pains, where it is possible, to pass whatever orders come in in the course of the day, before we go.

1172. Do you find also that a considerable delay arises from the non-attendance of the solicitors on both sides to pass an order, where there is some point disputed between them as to what the order of the Court was?—Yes; very often one solicitor attends, and the other party does not.

1173. One of the taxing masters informed us, that it appeared occasionally in the bills of costs brought before him, one of which he produced here, that there were a great number of attendances before the registrars without the thing being completed. He picked out one extravagant case and brought it before us. He afterwards sent a letter to be added to the minutes, to state that the same thing would take place before him as taxing master, and that, in fact, in this very same bill of costs exactly the same thing had taken place before him as taxing master, but that he had stopped it by fixing a peremptory day when he should go on with the taxation, whether anybody attended or not. The registrars have not such a power, have they, to fix a peremptory attendance?—The registrars do not fix any attendance; they leave it to the solicitors.

1174. Do you think it would be a desirable thing for the registrar to fix a day, and say, "I shall pass the order whether you appear or not, or whether the other side appears or not"?—After the parties have had due notice, if I have the counsel's name in my book I should pass the order, although the solicitors did not attend.

1175. Supposing a solicitor informs you that he objects to a part of the order which is proposed to be passed, because he is of opinion that that is not in accordance with what was directed by the Court; that it does not follow as being a necessary inference from what the Court did direct; and that he is prepared to fix some day to satisfy you, in the presence of the other solicitor, that that is so, and you think that there is a reasonable question; but first one solicitor attends without the other, and then the other attends without the one. Have you any means by which you can fix a day which shall be peremptory, and which shall ensure the attendance of both solicitors?—No.

1176. Would it be desirable that you should have any such power?—If a solicitor came to me objecting to my minute, I should request him to give notice to the other parties to attend me the next day I was in the office.

1177. Supposing he did give notice, and the other solicitor did not attend, what should you do?—Then I should feel myself justified in passing that order.

1178. And in making the alteration, if the person suggesting it came, but if the person who supported the order did not appear?—If the alteration was not in my minute, I should not regard it.

1179. Suppose you thought there was a reasonable question upon the point, and you thought that it might be, perhaps, considered as a reasonable consequence of what the Court had said, although the Court had not expressed any opinion upon it?—If they did not attend me I should pass the order, and leave them to go to the Court.

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1180. Supposing one solicitor proposed some alteration in the minute, and the other solicitor, who wished the minute to be exactly as it stood, did not attend the appointment,—would you proceed and make the alteration without the presence of the solicitor who wished it to remain as it was?—If I felt any difficulty, I think I should speak to the Judge upon the subject.

1181. You would go into that point *ex parte*, without both parties being before you?—Yes, I think I should.

1182. You would act upon your own minute in all cases, after you had given reasonable opportunity to the other side to appear?—I should. Very often the objections are such as will not hold.

1183. In the chief clerks' offices they find it very convenient to have the following power: in a case where both parties come before the chief clerk and discuss a certain question, and the matter cannot be disposed of on that day, there not being time sufficient for it, the chief clerk fixes another day by adjournment, either the next day or two days off, and then proceeds to dispose of it peremptorily, whether they come or not. Do you think it would be expedient that when the minutes are delivered out by the registrar a time should be fixed by him, so as to be endorsed upon the minutes themselves, at which they should be settled?—No, I should think not.

1184. You would leave it still as it is?—Yes.

1185. The result of that is, that sometimes many months are wasted before the order is really passed. One of the taxing masters, for instance, brought before us a bill of costs in which he said that really there was no contest between the parties if they had understood the matter, but the order was pronounced in June, and it was not finally passed either till the end of December or the middle of January following. He said that he asked the solicitors what the cause of that was, and they said, "Well, to tell you the truth, the real cause of it was that we none of us took the time to make ourselves masters of the subject." Do you think that the power of peremptorily fixing a time for the registrar to go through it would not have accelerated that attention to the order which was necessary for getting it passed and settled?—I must presume that both parties had power to proceed.

1186. This is a case of seven or eight parties?—Any party has a right to proceed with the order; and if they appointed a time and did not attend me, after due time I should feel myself justified in passing that order at the instance of any of them.

1187. Supposing nobody does apply to you, and they are all discussing the matter among themselves, do you think that it would be desirable that the registrar should have the power of compelling them and accelerating them?—Unless it is brought before the registrar by some of the solicitors, he does not know anything about it, unless he desires to be ever hunting up the delinquent parties who are not proceeding with their causes.

1188. They did appear before the registrar once and then went away; he delivered out certain minutes, and then nothing was done again through the long vacation, and so on. Would it be possible to give the registrars power to look after delinquent solicitors?—Yes; there is a book kept by every registrar's clerk, in which it is entered when the minutes are bespoken, when they go out, when they come back, and when the order is passed. I think that book might be laid before the registrar every week, and he might see which causes are very much in arrear, and knowing the name of one solicitor, though he does not know them all, yet if he knows the name of one solicitor who bespeaks the order, he might write to him to know what causes the delay; but if they have taken away their minutes and their papers the registrar would be disarmed, unless an entry were made of the solicitor's name in the clerk's book, which might be usefully done even now.

1189. Do you think it would be desirable that the solicitor who has the carriage of the order should furnish copies of the minutes to the other solicitors who require copies?—Yes. I do not quite see the advantage in taking it from the registrar's office; when one copy is made a dozen can be made.

1190. But they are not furnished to the other solicitors till they come and ask for them?—No.

1191. But if the solicitor was bound to furnish them upon the usual terms, he would send copies immediately, would not he?—If the solicitor bespeaks the order, and states that there are five solicitors concerned in it, and gives the names, I think if the registrar were permitted to make five copies of the minutes, and to deliver them out to the plaintiff's solicitor, and he forwarded them, it would certainly diminish a great deal of the delay, because they could not say, "I could not get the minutes," but in all cases, solicitors do not require minutes.

1192. Then, if the solicitor who bespeaks the order was bound to serve the copies upon the other solicitors, he would get them all from the office at the same time; that would cut off, at all events, one ground of excuse?—Quite so.

1193. You do not think that the power of making peremptory appointments would be desirable?—I think not.

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1194. Do you think that the power of making an adjournment to some fixed period, at which time the registrar should finally settle the minutes *ex parte*, if necessary, would be desirable?—Yes. I think, after the attendance on the registrar once, it would be well if the registrar were then to appoint a peremptory time.

1195. Is there anything further which you wish to suggest?—With regard to the delays, I consider that if the registrar's instructions, which might be obtained at a small price, were followed by the solicitors, it would prevent a great deal of the delay. I illustrate that by the want of papers in drawing up orders, which every day causes delay. I have been examined about the office hours. I consider that the nature of the registrar's office is very different from that of many other offices. Take the Records and Writs Office, where parties come to make affidavits and other matters to be done *instantly*; they take the papers away, and there is nothing more to be done; but every person who comes to the registrar's office generally deposits papers which the registrar or his clerk has to act upon at some other time, and he wants time to do it, and wants a time when the office is not open to the public. As to the clerks, I would suggest an additional clerk to each registrar. In earlier times, when I was a clerk, each registrar had his two clerks; he had his senior and his junior clerk. In fact, I do not think we could have got through the business without it; nor can it be done now, satisfactorily.

1196. How many clerks have you now?—Fourteen; but there were then only four registrars, and each registrar had his two clerks, and those clerks succeeded to the registrarship. The senior clerk received a double fee to the junior, and when the senior clerk left the office, or succeeded to the registrarship, the junior clerk succeeded the senior clerk. We could not work with less.

1197. Our suggestion is, that there should be two clerks attached to each registrar, one to do what the clerk attached to the registrar now does, in the preparation of orders and the like, and another clerk whose exclusive business it should be to receive and give out papers and make appointments, and perform the whole of that duty, which second clerk should be removable at the pleasure of the registrar to whom he was attached?—That would be all that a registrar could require.

1198. Do you think that if you had sufficient accommodation in point of room, so that you should each be sitting alone, it would suffice?—That is indispensable; sometimes we cannot get on with the public business, the crowd is so great, both in the registrar's rooms, and in the outer office.

1199. If those two things were done, do you think that a very great deal of the defect would be removed?—Yes. I am sure I wish to be perfectly understood that I have no personal interest at all in the hour from three to four, whether the office is open or shut. All the registrars who are not in Court are there, and most of the clerks are there, and the stationer is there, but I conceive it to be a most important time for the suitors; their business is then put in train, and the registrar proceeds quietly.

1200. Is there a delay in bringing in orders?—Sometimes a week, and sometimes more.

1201. Do you find that they are brought in more expeditiously when there are any costs to be taxed?—At this time of the year the orders are not delayed; they are very early when there are any orders with costs to be taxed.

1202. Does not that tend to show that solicitors have not a sufficient remuneration for attending?—They have an interest now, because of the costs.

1203. Taking away the question of costs, take the instance of a complicated order containing no provision for peremptory costs; what is the fee?—13s. 4d.

1204. That covers the whole, does it not?—Yes. Some orders require the solicitor's attendance more than once or twice.

1205. So that, in truth, four or five attendances before the registrar are required before the order can be reasonably passed, and the solicitor only gets 13s. 4d. for that?—Yes; it is a very small fee, and I do not think there is any remedy for coming before the registrar, because, from the nature of some of the orders, it really requires it.

1206. We are speaking of orders of that description, not providing for the payment of costs, so that they have no interest in pushing them forward?—One thing seems very often to cause a good deal of delay and discussion in orders; for instance, in orders upon further directions, where much is said about costs, and it is settled that counsel shall sign their briefs, and I afterwards find that the two counsel's briefs do not agree as to the exact statement with respect to costs. I have seen very recently in the Lords Justices Court that the minutes were settled almost before the next cause was called; that is to say, counsel undertook to settle them, and did settle them. If the two juniors would only just read their note one against the other, it would save a great deal of discussion in our office; a very small variation as to what costs were ordered causes a great deal of discussion in our office.

1207. In fact, that is done to some extent in Court, that the junior counsel are requested to sign the minutes on both sides, where there is any complication in the order. Generally, can you give us information upon what points discussions on minutes mainly arise? Is it on special inquiries directed by the Court?—Scarcely; the registrar there has them dictated by the Judge, and he takes them accurately, and I do not think that the discussions arise upon declarations or inquiries; it is usually upon minor points.

1208. You mean that it is in carrying out the declarations which the Court has made?—Yes; working out the directions consequent on declarations.

1209. In the directions which are necessary to carry out the declarations which the Court has made?—More often. *H.E. Bicknell, Esq.*

1210. Does not that arise partly from the declarations not being sufficiently precise by the Court?—No; I do not think I could name two cases in my experience where I have had any difficulty in declarations or inquiries.

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1211. Does the difficulty upon details arise from the solicitors not being sufficiently acquainted either with the state of the cause or with the state of the property?—No; I think it arises from this: after the registrar has drawn, according to the best of his judgment, the details of the order, they quarrel with that; the registrar acts upon the order which was made, and adheres to that which he thinks right, and generally the discussions end in nothing; they at last adopt what the registrar has done.

1212. What do quarrels mainly arise from?—From the manner in which the costs are given; sometimes from an endeavour to get something more than they have got from the Court.

1213. Mostly upon costs?—Yes.

1214. With respect to one registrar attending each Court in a term, of course in a number of cases it must happen that there is a greater quantity of business despatched in one Court, in one term, than in another Court; might it not be apprehended that if a registrar was attached to one Court for one term, the pressure of business in that Court would produce an arrear of business with him?—I am disposed to think that, from the nature of business now and the number of Courts, if we fixed either a term or two terms, there never would be such a great pressure of business that two registrars could not do it; but still they would be much pressed.

1215. Suppose there are 100 consent petitions or short causes?—They are in all Courts.

1216. The business is necessarily very capricious in the amount of work: I judge from my own experience. It has happened to me in a week to make, perhaps, 20 or 30 decrees which have been very complicated; it has happened to me in another week to hear two causes which have occupied the whole week, in which perhaps I have made a very simple decree in one and dismissed the other with costs?—Yes. The short causes are the worst causes in which we have to draw orders, but if the minutes were signed by both counsel there would be less trouble.

1217. In fact, do you not find that more questions arise upon causes which have been very little discussed in Court than upon those which have been very much litigated and contested?—Certainly.

1218. Are we right in supposing that in the Queen's Bench, if not in all the Courts at law, the course is for the Masters in those Courts to attend by the term in rotation?—I believe so.

1219. You have spoken of three extra clerks who are attached to the senior registrar?—The three junior clerks who draw up the orders of course are considered to be more immediately under the senior registrar; not being attached to any registrar in particular, but drawing up the orders of course belonging to all the registrars.

1220. Do you see any duties belonging to the senior registrar which render it necessary that he should have those three clerks attached to him?—I do not know any particular duties, it is only in deference to the senior registrar, as such, that they look to him.

1221. They are merely attached to the senior registrar?—Yes; doing the business of all the registrars.

1222. What is their business?—To draw all the orders of course, and all the certificates on every order, and to set down all the causes in the term books.

1223. They belong, in fact, to the senior registrar, because they do not belong to any of the others?—Yes.

1224. Is there any regulation as to the age of any of the clerks in the office?—No; we have them at all ages, from 20 to 60.

1225. They generally enter very young, do they not?—They used to do so; some have entered when they have quite reached the prime of life.

1226. Is it not very desirable that they should enter young?—Very; they cannot enter much before 23 years of age, as they must have been five years in a solicitor's office before they are eligible.

1227. Do you not think that a good deal of the mischief now arising would be obviated if a reasonable fee were fixed in favour of the solicitors for attending the registrar?—Yes; I think it would.

1228. Can you devise any scheme by which the forfeiture of that fee and the payment of costs could be inflicted in the event of their non-attendance? Have you ever turned your attention to that point, whether any scheme could be devised by which any fine could be imposed on any complaint made to the Court, in the event of the non-attendance of the parties before the registrar?—No. I should think an increase of fees would prompt the solicitor to attend; it would make it more worth his while.

1229. But if solicitors were certain of their fee, whether they attended on a particular day or not, would it produce any effect then?—The withholding the fee would be better than inflicting costs.

1230. Do you think that the registrar could say what fee ought to be allowed to a solicitor for passing an order within certain limits; that he should be at liberty to fix a fee, say, amounting to as much as three or four guineas, it being left in the discretion of

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the registrar to say, "The fee proper to be allowed for this is"—so much? I think we should find it much better, and that the business would be done much more quickly, if that plan were adopted, within certain limits.

1231. Should you have any difficulty in exercising that discretion, do you think?—No; the registrars might consult together upon the matter.

1232. You are aware that the Judges now exercise a discretion upon that matter, with the assistance of their chief clerks?—I think the registrars might discuss together and agree upon a certain plan, and it might work as well in the registrar's office as in chambers.

1233. And that it should be considered that the registrar would never allow such fee as he thought fit, unless there had been diligent attendance on the part of the solicitors to assist him in getting through the order?—I think it would work well.

1234. Have you found yourself attended by clerks who are not much acquainted with the business?—I think they are very much improved. I have seen it in all stages. In my clerkship the solicitors themselves used to attend; after that they dropped off very much, and sent up very inferior people; so much so, that on one occasion I was attended by a livery servant. I was obliged to tell him I should be very glad to see his master. After that the clerks very much improved, and I think most of them are competent to their work. Of course, the progress we can make much depends upon the way in which the solicitors or their clerks do their business. Some of them are so conversant with the practice of the Court and the routine of the office, that they meet with few impediments and give us very little trouble; others do not manage so well. The solicitors' clerks have to learn their business as young men, and by frequenting the offices, and of course there must be a beginning, and some of them must be less experienced and careful than others. Inexperienced clerks sometimes give us a good deal of trouble.

1235. You do not find that they send up any boy who may be in the office?—Not in general.

1236. How long ago was that instance to which you have referred?—I think it was almost at the end of Sir William Grant's time.

1237. About 1817, then?—Yes. Will the Commissioners allow me to mention an instance of the nature of the delays in the registrar's office which are complained of. In a summons in a case of purchase money, the order on the summons was dated the 29th of June last; it was left on the 5th of July; therefore the transit from the chief clerks to the registrar took six days. The minutes were ready on the 7th of July. They need not have had any minutes, and then they would have had the order on the 7th: there was no need of minutes; but if the solicitor requires them, we do not refuse to make them. The minutes were returned for the order on the 11th of July; the solicitor expected the order to be put out and ready for him on the morning of the 12th of July. I was in Court, and he came in to complain to me that my clerk would not let him have his order on the summons. I took the minutes and wrote upon them,—"Let this order be immediately drawn up, and I will stop at the office, however late the hour may be after the Court rises, to pass it." I subsequently got a note from the solicitor:—"Mr. — presents his compliments to Mr. Bicknell, and begs he will not wait to pass the order herein, as it will not be copied till to-morrow morning." On the 11th of July I passed the order before ten o'clock. I asked the solicitor what was the great hurry. He said, "I wanted the order." I said, "You are quite in time for everything to complete the purchase, are you not?" He replied, "Yes—quite." Now he came seriously into Court to me, and complained that my clerk would not give him the order. Many complaints like that are made with as little foundation.

1238. In a case before the Lords Justices, they gave judgment in January, and desired that the minutes should be laid before them, and they never came to them till the 9th of July; and the cause is to be spoken to to-morrow upon those minutes. How can that happen?—It really rests with the solicitors. A very heavy cause was heard in Vice-Chancellor Page Wood's Court yesterday, where a property is divided into 100 shares, and is sub-divided in a variety of ways; and it is a very intricate order. The solicitors are very anxious to get the order done; they have brought me to-day minutes which I suppose will run twenty or thirty sides, and they will be ready to-morrow. Many other orders could not be done so quickly; delays do not rest so much with the registrars and their clerks as with others.

1239. Supposing that the proper papers are furnished to the registrar,—take the ordinary average of cases, neither those which are extremely peculiar and complicated on the one hand, nor the extremely simple orders on the other, but taking a fair average of cases,—if the papers which are necessary are supplied to you, do you consider that, from those papers and your own note, you might, without the attendance of anybody, draw up the proper decree or order?—I have no doubt of it.

1240. Then, in the average of cases, what do you consider the advantage of being attended by the solicitors at all?—We are not attended by the solicitors until we have issued our minutes. Questions arise upon the minutes after they are issued.

1241. Could you not draw up the decree itself without any minutes, taking the ordinary run of cases, neither the very complicated and difficult on the one hand, nor the very simple on the other: if you are supplied with all the papers, and you have your own note, and you have been sitting in Court, is there anything in the average of cases

to prevent your drawing up the decree itself without the attendance of anybody?—Yes; *H.E. Bicknell, Esq.* I think a draft of the decree very useful in this respect. I have taken my note, and I have taken the note, we will suppose, correctly from the Judge; then the briefs are brought in, and it may be that the mere language of the counsel's note may suggest a better mode of expressing the intention of the Court without altering the effect of the declaration or the inquiry; but both parties agree that, looking at the registrar's note and the pleadings together, it may be altered advantageously in a few words.

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1242. Supposing you have been in Court, hearing the whole of the arguments, and hearing the judgment, and making your own note, would there be any difficulty in the ordinary run of cases in your drawing up the decree yourself?—I draw the minutes of the decree, the evidence and appearances, and many other things, have to be put into the draft, which is usually done by my clerk.

1243. In the average of cases, is there any occasion for the attendance of the solicitors at all, or notice to them of any kind?—I think they should have notice; and it is often desirable that they should attend the registrar.

1244. But is it expedient that they should be entitled to it?—I should feel it to be more safe to give notice.

1245. Do you think that this could be done; that the registrar, when he has been furnished with all the papers, and has got his own note,—assuming that he has been present at the hearing of the cause throughout,—should draw up the decree finally without any attendance, unless he sees any reason for calling in the assistance of the solicitors to see whether he has got it accurately, and in accordance with what was pronounced by the Judge?—I am more disposed to think that the practice which has been adhered to so long is a better practice, that the parties should see the decree before it is finally passed.

1246. What do you think of this, that the minutes should be delivered out with the draft of the order with merely this direction, that the registrar would pass it and deliver it to the entering clerk without the intervention of the solicitor, if nobody applied to him within a certain time, say a week or ten days?—To whom is it proposed that that notice should be given?

1247. That it should be understood as the invariable rule, that whenever minutes of an order were given out, if within a certain time, to be mentioned on the order, or a fixed time, the parties did not attend, a copy of it would be signed, passed, and entered, without reference to whether the solicitors liked it or not?—I could not recommend the adoption of that plan.

1248. If the registrar has been present at the hearing of the cause throughout, and has got his own note, which we assume to be a sufficient note, and then is furnished with all the necessary papers, is it not the fact that the registrar must know perfectly well what the substance of the decree is which has been pronounced by the Judge?—Certainly.

1249. If, then, he knows what the substance of the decree is, does it require any assistance for the registrar to put that in the regular form?—No; certainly not.

1250. Without being attended by anybody, but sitting in his own room by himself, if he has his own note complete, having been present at the hearing of the cause himself throughout, and having been furnished with all the necessary papers, does he not know the substance of everything which the Judge has decided?—Certainly, and he prepares and issues the draft accordingly.

1251. Then why does the registrar require any assistance in putting that into the proper technical shape for a decree?—Although the judgment has been given and the decree made, it sometimes happens when the minutes are issued, something more occurs to the minds of the counsel or solicitors,—it is suggested that it would be better that other inquiries and directions should be in the decree.

1252. Do you mean on some occasion when the same registrar was not present?—No. It may be an advantage to hear the cause through, but an experienced registrar, going in to take a judgment, can take it nearly as well as if he had heard the whole of the long argument; but I do not think it would be desirable that the registrar should issue the decree, and say, "This shall be the decree passed in a given time, without the solicitors' on both sides being allowed the opportunity of attending the registrar upon it." Sometimes objections are raised, which prevail, more often we overrule them; but I think there is an objection to issuing the decree before all parties are satisfied that it correctly expresses what the Court has done.

1253. Does not it sometimes happen that parties abandon a part of the decree by mutual consent which has been pronounced by the Court?—I do not allow it to be done without the sanction of the Court, unless it be a matter of little importance.

1254. Upon the discussion they say, if they are competent, "I waive this, if you will waive that"?—Yes; if counsel on both sides say, "We waive that," I do not object, unless it is a declaration.

1255. Are there not details, which in most cases arise in working out the judgment which the Court has given, on which it is necessary that the parties should have an opportunity of being consulted?—I think so.

1256. Is not that because the registrar's note or the indorsement on counsel's brief is not sufficient?—No, I think not, it is quite impossible to work out the details satisfactorily in Court; it takes time, and is best left to the registrar, who has the more "practical knowledge of the forms.

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1257. Supposing counsel's briefs to differ, we presume you would proceed upon your own note entirely?—Yes.

1258. What, then, is the use of the endorsements on counsel's briefs?—It aids very much the registrar, because the decree is not pronounced, but the decision is given, and it has to be worked out; it does not require to be stated verbatim. The registrar will know what to do with it, and it is much better to leave such matters to him; but the brief of the counsel is also very useful in corroborating the note which I have taken; and perhaps the language on the brief of the counsel may be more suitable than that which the registrar has taken down, and if the parties do not differ, I use my discretion as to adopting it.

1259. In a case where the endorsements on counsel's briefs agree together, but do not agree with the registrar's note, do you adopt the endorsements on counsel's briefs?—I do not, unless I find that the mode of expression used by counsel reads better than my own note.

1260. If your note is complete and accurate, it of course would agree with what the Judge has pronounced, would it not?—Yes.

1261. Then why can you not from that note, which we assume, from what you say, comprises all that the Judge has decided, and from the necessary papers, draw up the decree without the endorsement on counsel's brief?—I could, of course, do so; but I think you would deprive the registrar of an advantage if you did not allow him to look at the counsel's endorsements. I think their notes very important.

1262. Supposing you have the endorsements on counsel's briefs, what do you want with the attendance of solicitors?—I do not want it in preparing the draft.

1263. Why do you require it in settling a decree?—I always consider that both sides ought to see the decree, to see that it is right.

1264. Supposing the Judge did this, and it was competent to him to do it, namely, after delivering the reasons for his decision, to pronounce to you the exact decree which should be made, of course you would not want the attendance of solicitors for that?—No; but in the majority of cases it would be impossible, and there would always be a good deal left for the registrar to do.

1265. If the Judge states the substance of what he decides, and you have got that all down in your note, why do you want the assistance of anybody to enable you to put that into technical shape?—I do not, but I require the attendance of solicitors to settle the draft, after it has been issued to them.

1266. When you put it into shape (by putting it into shape, meaning, making it actually into the form of a decree), why should not the registrar, in the average of cases—in the ordinary cases—prepare the decree itself, without preparing minutes and handing them out to the solicitors, and being attended by the solicitors?—Another reason is that the orders and decrees are transcribed upon a heavy stamp; and where there are alterations it mutilates them, so that they are hardly creditable to the office.

1267. Why should there be any alteration?—There may be evidence which you do not get; there may be some slight alteration in the wording of the decree, which does not alter the substance of it. Both solicitors may say, "We think this is better in that line," and you get it more perfect and more satisfactory to the parties, and it does not militate from the judgment of the Court.

1268. Is not the registrar the most competent person to judge of the language for carrying out the decision of the Judge?—I do not think he is in declarations of a certain nature. The knowledge of counsel in the particular case, of the points raised and determined, and of the bearing of the decision upon them, is a great advantage which the registrar cannot possess in the same degree. I think after the minutes have been issued the registrar might fix a time when that decree should be passed, giving the plaintiff's solicitor intimation that he should pass the decree at a given time; and it would be his duty, I think, to look up the other side, giving him notice to come.

(*Mr. Leach.*) Very often a long decree is founded upon a declaration, or upon some direction given by the Judge, which has to be worked out in great detail. The minutes are sometimes forty or fifty pages long, dealing with a large amount of funds, dividing them in a variety of ways; it would be highly desirable that the solicitors on all sides should go very carefully through all that, and it almost invariably happens in such cases that the solicitor, in working out the decree, suggests alterations, which we frequently adopt. Sometimes we reject them, but it is a great advantage to us to have the solicitors' assistance, as, from their more intimate acquaintance with the facts of the particular case (with which they are or should be familiar, and which we can only gather from what passes in Court and from the perusal of such papers as are laid before us), they are sometimes able to suggest what we might otherwise overlook. Sometimes we insert calculations and subdivisions of monies. The registrars or their clerks may make mistakes in calculations; of course those should be carefully checked by the solicitors.

1269. Is that the case with the ordinary run of decrees, or are you mentioning rather the rarer cases?—I am now suggesting a rather complicated case—such an order, for instance, as is frequently made on further directions, where the assets are all got into Court and are to be distributed.

1270. In a case where, by reason of the details, or the complication of figures, or the necessity of seeing that the figures are accurate, the registrar thinks it expedient to call in the assistance of the solicitors, do you think it might be left to him to do so? In your opinion would it be expedient that the registrar should have it in his own discretion whether he should draw the decree without the assistance of the solicitors, which he might do in the ordinary run of cases, or whether he should call in their assistance, where he found such assistance necessary, to make him sure that he has got the matter quite accurately in all its details?—I think the cases are very few where you could dispense with the attendance of the solicitors. The registrar should use his own discretion as to whether it is necessary to issue a draft or not. There are certain orders which are prepared without any draft; but in these cases, which are of the simplest kind, I sometimes find it requisite to alter the order and have it recopied when it is put before me to sign, and usually I prefer myself to settle a draft; I find that in the long run it saves time and trouble; and I have no hesitation in making corrections in form and language in a draft, which I might pass over, if the order had been completed on a stamp. I have always understood that the registrar is not bound in any case to require notice to be given to any party, and may if he thinks fit, complete and sign the order at once. It would be as well that he should retain this power, as there are cases in which it may be useful, but practically it is rarely exercised; usually the registrar expects notice to be given.

1271. You think in the average of cases you could not dispense with it?—In the large majority of cases it is very necessary.

1272. (*To Mr. Bicknell.*) Do you think that the business would be expedited at all by having printed forms of common decrees for the administration of personal and real estate? Those forms are well understood and well settled?—We have some printed forms in the shape of a minute which we fill up, but they could not be printed for the decree.

1273. The question does not refer to the decree itself, but to the minutes?—We have those; for instance, in the appointment of receivers, and in common administration suits.

1274. You suggested also, we think to the Lord Chancellor, some mode of shortening common forms, which would be very desirable, and a great saving of expense and time?—Yes; far more than might be supposed.

1275. Have you ever looked to Lord St. Leonards' orders in lunacy with reference to that point, having a general order of the Court which should render it unnecessary to insert every matter in the decree?—Yes, I am aware of them; I understand they work very well; they are followed up a good deal in our recommendation. We have denuded the order of that which we consider perfectly unnecessary. Sometimes, by mistake, some little matter is left out, and the order comes back to have a few words of course inserted in those formal directions.

1276. In your judgment, would the business be at all expedited if it were made the duty of the junior counsel to settle and sign the minutes after the cause has been heard, before leaving the Court, unless the Court otherwise ordered?—I have seen that, in some instances, done with the utmost advantage, in a case which might have taken weeks if it had not been done; where the minutes have been settled and signed by counsel they rarely give us much trouble.

1277. Will not counsel now always do that if the Court suggests it?—Yes. Taking, for instance, a short cause; the minutes are read to the Court, and sometimes not read at all, but they are very seldom signed by the counsel. Then oftentimes parts of the minutes are discussed in our office. I do not say they go back to the Court, because the registrar sees what they should be. Those discussions take place very often, on minutes said to be settled.

1278. (*To Mr. Leach.*) As we understand, this paper is a skeleton of the form of a common decree in an administration suit, for the purpose of administering personal and real estate?—Yes, it is so.

1279. Is not that a case of very frequent occurrence?—That printed form is useful to me in preparing decrees, but it is very seldom, when I use it, that I have not to make some modifications of it, to suit the particular case.

1280. Taking a case in which such a skeleton as this would be very useful to you if you were drawing such a decree, should you hand out minutes to the solicitors?—I should use that print as my rough draft from which the writer would transcribe the official minute.

1281. Then that minute would be issued to the solicitors?—Yes.

1282. And then the solicitors would attend you upon passing it?—To settle it.

1283. Why could not you settle such a decree as that without the attendance of solicitors?—Because of the specialty which would in all probability be added to that form; and we should want the solicitors to test the correctness of the draft as to dates and the names of parties. It is very necessary that the persons who know the whole details of the cause should look to those matters, and see that there is no inaccuracy, because if it occurs in a decree which has been transcribed on a stamp, either the decree must be defaced by alterations, or it must be rewritten and the stamp be spoilt.

1284. In this form there are no such specialties?—That is assumed to be a very simple case.

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and

R. H. Leach, Esq.

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1285. Supposing it is not necessary to insert any specialties,—any special directions or accounts,—why could not the decree be drawn up at once, without the attendance of any solicitors?—Except, perhaps, in the very simplest cases, it is desirable that there should be a draft. If the solicitors or their clerks examine the draft with care it must tend very much to secure accuracy.

1286. But why should they attend you?—If there are several solicitors, it is convenient that they should meet, either at their own chambers, or at the registrar's office; generally the office is more convenient to them; and upon settling the draft, questions may be raised which have not been anticipated. If the solicitor who gives the notice takes the precaution of referring to the rota for the registrar's attendance in Court (which is put up in a conspicuous place in the office), he will select a day when the registrar is there. It is certainly not necessary that the solicitors should actually go before the registrar himself, if there is to be no discussion, and they have, merely to say they are satisfied; in that case they should leave the draft with the clerk.

1287. There may be the omission of some specialty?—Yes.

1288. But from the note which you had taken of course of any special direction given by the Judge, you would know whether there was a specialty or not?—Yes; but it frequently happens that matters are suggested in the office which have not been called to the attention of the Judge—specialties which would to some extent vary the decree,—matters which do not really render it necessary to send the case back to the Court. It is very rarely that there is quite a simple case. I remember the late Mr. Fry, who was a very experienced and able registrar, used to say, "There is no such thing as a usual order," and I have found by experience that there is generally something in each case to justify the observation.

1289. Where there is a simple order, and the minute or draft of it is handed to the solicitor, it does not take any time?—No; it is settled in five minutes.

1290. In those cases the precaution of giving it to the solicitor merely prevents the possibility of an error, but does in fact occupy time?—It occupies a little time, but it is a great satisfaction to me, whether the solicitors suggest alterations or not. When the drafts are returned, I very carefully read them over, to see that they are quite right, so as to avoid as far as possible having to make corrections when the order is put before me to sign. I then mark the draft as "settled," with the date, and give it to the gentleman who assists me, who sends it out to the writer to be copied on a stamp. I may mention that formerly the registrars had lithographed forms used for the orders of course; but since the orders have been written upon stamped paper, this has been discontinued as inconvenient.

1291. Is there any advantage in the solicitor taking the decree to be entered? Might not the decree as soon as it is passed be sent to the entering clerk to be entered?—Usually it might, I think, and time would be saved by it.

1292. One day?—Ordinarily one day, or a considerable part of a day. The fee for entering decrees and orders was abolished partly with a view to facilitate this. The practice has been adopted by myself, and I believe by one or two other registrars. I once mentioned the matter to the Chancellor, who thought it might be done. And I find that the solicitors like it. If I make alterations, which I occasionally am obliged to do in passing an order, I of course do not send it to be entered till the solicitor has seen it.

1293. (*To Mr. Bicknell.*) Is there anything else which you have to suggest besides what you have stated?—I think I have stated all that I have to say.

1294. Does it occur to you, having regard to the business in the registrar's office, and also in other offices, that it would tend materially to facilitate business if all the offices, including the courts, the judges' chambers, the registrar's office, and other offices connected with the Court of Chancery, were together in one building, so that there could be immediate intercommunication between the different offices, and between the offices and the Judges?—No doubt as it regards the Vice-chancellor's chambers and the registrar's office, and perhaps the Report Office, and the clerks of Records and Writs Office, it would be very satisfactory to have them all in one.

1295. Do you think that it would tend to facilitate and expedite business?—I think it would be convenient.

1296. You mentioned, in the course of your examination, a case in which the order had been made in chambers, and was not brought to you till six days afterwards to be drawn up; would not that delay of the six days probably not have occurred if the two offices had been next door one to the other, or two rooms under the same building? Would it not be a great convenience to the solicitors and their clerks in the expedition of business if they could go from one office to another by merely opening a door or crossing a passage?—I do not think that arose from the distance; I think it arose from the negligence of the solicitor, not perhaps wanting the order at that time, but delaying it, and he then perhaps found that he was a little pressed for time.

1297. But if that office had been next door to the judges' chambers where the order was made, would he not have left it then and there?—Very likely not. With respect to the delays, as far as I see them, I may state that, on a comparison of the number of the orders, I am surprised at the fewness of them. Some of the orders are very heavy. I have looked, but I cannot tell where, in many instances, delay can have arisen with us.

1298. (*To Mr. Leach.*) What is your opinion as to the advantage, in the way of facilitating and expediting the business of the Court, if all the offices connected with the

Court were contiguous to each other?—I must say that I think immense economy of time would arise from it; that solicitors would be able to employ a less number of clerks; who would be able to circulate more rapidly through the different offices; and that very often difficulties would be got over by facility of communication between the officers themselves. I sometimes, when drawing up a difficult order as to costs, communicate with the taxing master. I say, "Shall you understand this in the sense in which it is intended?" I should enjoy that privilege better if I were nearer the taxing master.

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1299. You are not above 100 yards from him now, are you?—No; but it would be better if we were all under the same roof.

1300. They are none of them 300 yards from the other, now that the Courts sit here instead of at Westminster?—No; but when you have to go out of doors, at some times of the year, it requires a certain effort to do it.

1301. Do you concur in what you have heard Mr. Bicknell state?—In most respects I do; there are one or two points in that part of his evidence which I have heard, on which, I think, I should not quite agree with him.

1302. Have you any suggestions to make?—I have some, and I should be rather glad to have an opportunity of doing so on one or two points which have been mentioned to-day.

1303. We shall be very glad to hear what you have to say?—In reference to the transmission of Minutes of Orders from chambers, it has always struck me as perhaps rather loose practice, that the chief clerk's minute, which is endorsed on the back of the summons, should be given out to the solicitor. I have always thought that it should be sent to the registrar or his clerk under a sealed cover; then no time would be lost, and no alteration could be made. I never knew an instance of an alteration being made; but it has often occurred to me that it might be done, and then the order would get drawn up very differently from what was intended.

1304. It would expedite the matter, at all events?—Yes, if it were sent to us at once.

1305. It is not only the solicitor, but the solicitor's clerk very often?—Yes, generally the clerks.

1306. So that you have not even the responsibility of the solicitor?—We have not.

1307. According to the present system of the attendances of the registrars in the different Courts, is it not a rota by which a registrar attends one Judge to-day and another to-morrow?

(*Mr. Bicknell.*) No; they take alternate days by the week in the same Court.

(*Mr. Leach.*) That is to say, this week, with my colleague with whom I move, I may be attending the Court of The Master of the Rolls on alternate days, and the next week I may be attending the Court of the Lords Justices, or of one of the Vice-Chancellors in the same manner.

1308. We suppose you would consider that it is an advantage to the registrar, with a view to his drawing up a decree or order, that he should have heard the whole case throughout?—That certainly is some advantage; there is the difficulty in the case of a part-heard cause, that one plunges into the midst of the story and has not heard the commencement; but then the number of part-heard causes and those which stand for judgment are very small in proportion to the causes which are heard through.

(*Mr. Bicknell.*) No great difficulty, in fact, arises from it. It is the practice every week now, as in order to despatch the business on the heavy days, Fridays and Saturdays, the petitions and short causes are divided between the two registrars who attend the same Court for that week. Of course the registrar out of Court does not hear any of them, but he takes a portion of them, and draws up the orders without difficulty from the notes of the registrar who was in Court.

1309. (*To Mr. Leach.*) Do you think it would be an advantage if the registrars, instead of having a rota of a week and week about, had a term and term about, or a quarter and quarter about, so that there would be less chance, and almost no chance, of a registrar, as you say, plunging into the middle of a cause?—I do not think that would get over the difficulty, because if the registrar continued in the same Court until there was no part-heard cause, it might be a long time; a part-heard cause might occur every day in the week.

1310. Still, would it not diminish the difficulty?—I think not, because he would be there only on alternate days; there would still be the daily change with his colleague.

1311. But might not he and his colleague so arrange, that if one of them was present during the commencement of a cause, the other should not go in till it was finished, letting his colleague know as soon as it was his turn to attend?—It might be so; but then it would have the effect of disturbing the rota, which is put up in the office in order to enable solicitors to make appointments, and no proper arrangements could be made.

1312. The Master of the Rolls has had a part-heard cause every day this week?—That exactly illustrates the case which I am putting.

1313. Would it be an inconvenience to the business which has to be transacted out of Court to make the attendance of each registrar by the successive weeks?—It would be objectionable. It would take each registrar for too long a time away from the office.

H. E. Bicknell, Esq. 1314. Would three days and three days do?—It would, I think, tend to throw back the business. Each registrar should be at the office at least every alternate day, or the business must be delayed.

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The witness withdrew.

Adjourned.

Tuesday, 17th July 1855.

THE RIGHT HONOURABLE THE MASTER OF THE ROLLS in the Chair.

RICHARD HOWELL LEACH, Esquire, further examined.

R. H. Leach, Esq. 1315. We understand that the registrars draw as a general rule all the decrees?—They do.

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1316. And the clerks the orders upon petitions and motions?—All the other business, except in very special cases where the registrar wishes, in the first instance, to look into the papers himself, or the clerk desires to have his advice. Of course the clerks constantly consult the registrars on points which occur to them in preparing the orders.

1317. Those are the clerks attached to the registrars?—Yes.

1318. There are three other clerks in the office, are there not?—There are three other clerks who are not attached to any particular registrar, because they do the business of all; that is to say, the subordinate business.

1319. Do they do the same business as the other clerks?—No; it is a particular class of business, put into their hands when they first enter the office. They do it for all the registrars. They draw, in the first place, the orders of course, and, in the next place, they prepare the certificates for sales and transfers in the accountant general's office, and they set down causes.

1320. Do you think it would be expedient that any of the duties now performed by the registrars and the clerks attached to them should be altered; that they should be performed by junior clerks for instance?—I think if we had an additional class of clerks, in the nature of assistant clerks, who could take the routine business, we might then classify the business in an improved manner, so as to give the senior clerks the higher grade of business, that they might ease the registrars in drawing some of the decrees and orders upon further directions. That would tend in a considerable degree to increase despatch.

1321. Do you think it would be expedient that the registrars should have power to direct the clerks attached to them to draw the minutes of such decrees and orders as they thought fit?—I think it would be advantageous in both respects; it would relieve the registrars very much of the drudgery in simple cases, and it would improve the clerks, and bring them more into that sort of work which they would have to do whenever they become registrars.

1322. Would it be expedient that the clerks who are attached to the registrars should be relieved from what we may call the mechanical duties performed by them?—I think it would be highly desirable.

1323. These duties must be performed by somebody?—They must, and their due performance is essential to the proper transaction of the business.

1324. If you had an additional clerk to take in and deliver out papers to the solicitors, and to make appointments, would not it afford great assistance?—It would be a great relief if we had a clerk who could take the more routine business; and it would, I think, get rid of an objection to the present system, that if you employ a man of intelligence upon a mere business of that sort, he certainly is not improving in any way,—perhaps he is deteriorating.

1325. And you take him off other duties?—You take him off from other duties, which would exercise his intelligence.

1326. That alteration would have the effect of giving great additional force to the registrar's office?—It would give great additional force.

1327. One of the great objections, we understand made by everybody, is the want of increased accommodation?—So much so, that I fear until we have increased accommodation, and a different local arrangement, there is an impediment to almost any improvement we could suggest.

1328. If additional accommodation were given to you, and you had additional clerks to take off this mechanical business, do you think there would be then any difficulty in getting through any amount of business likely to take place in the present state of the Court of Chancery?—I think we should get through it, and with very much increased despatch.

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1329. Do you think it would be any advantage to the registrar's office if the registrar's office was immediately contiguous to the Courts,—if they were all under one roof?—I think it desirable, as far as it is possible, to bring the Courts and the offices into juxtaposition. Of course, I would not suggest this with a view to postpone any improvement which could be made now; it is a distinct scheme. If the Courts and the offices were brought into juxtaposition, I think it would occasion an economy of time, and it would enable the judges and the officers of the Court to communicate more frequently than they do at present.

1330. You think that practically it would facilitate and expedite business?—I think so. The solicitors would be able to keep their appointments in different departments more easily.

1331. With respect to such clerks as are suggested to be appointed, are you of opinion that the registrars ought to have entire control over such clerks?—I think it would be desirable. The commissioners mean, probably, that they should be appointed by the registrars.

1332. Appointed by them, and removable at pleasure?—I think it is desirable that they should be.

1333. Have the registrars sufficient control over the clerks at present attached to them?—Speaking for myself, I have never had any difficulty whatever; the gentleman who is connected with me in business is everything that I could wish, and I have never had anything to complain of in any way. I believe some of the registrars feel that there is not quite the power which they ought to have; but looking at the constitution of the office, I think that the exercise of power would be effectual. The only step that could be taken, in case of insubordination, would be to report the case to the chancellor. That would be a serious step to take, and there is no instance of its having been taken since I have been in the office.

1334. But you think it desirable that you should have a power of directing the clerk to take such business as you thought fit?—In one or two instances I have heard that a clerk has thought that the registrar should not give him particular duties—that it was out of the course of the office. I think that that should not go too far, and that the registrars should be able to say what particular duties should be discharged by the clerks. Certainly, at present, there is a usage in the office.

1335. Do you think there would be any improvement by advancing the clerks in the office not by seniority but giving the registrars the power of selecting according to merit?—I am very much afraid of that. Of late that has been very much thought of as the best plan—promotion according to merit; but there are great difficulties in carrying it out. One sees many objections to attempting it.

1336. Practically, you do not think it would be acted upon?—Practically, I think it would be very difficult indeed to carry out. With regard to any of the gentlemen who are now clerks in the office, perhaps I may be allowed to mention that the right of succession by seniority is conferred on them by the Act of Parliament under which they were appointed, and of course their rights cannot be disturbed.

1337. Do you think that a longer attendance at the office, either of the registrars or of the clerks attached to them, is necessary?—I should not myself suggest any alteration of the present hours. If any alteration is made I think we should be open entirely, as we are not at present, from ten to eleven. I think that the regulation, which was made about the year 1843, in which it was suggested that we should not be interrupted before eleven o'clock, has tended to make us a little more lax in attendance at ten o'clock, but I certainly should not suggest the opening of the office from three to four, as that hour is very valuable to us. Our business is not like that of other offices. We have many papers to attend to, and after the office is closed at three o'clock we do that business which we cannot do when solicitors are applying to us. At the busiest periods of the year this hour is of great importance, and I certainly think it should not be given up.

1338. Do you think it desirable that a registrar should be permanently attached to each Court?—There would be, in some respects, advantages in such a plan; but it was tried at the period of the creation of the two additional Vice Chancellors; it had the effect of throwing a very large proportion of the business of the office upon two registrars; they happened to be very strong and able men, and they got through it, but they complained very much of the manner in which they were oppressed by the business. I allude to the Vice-Chancellor of England's Court; that Court had the great run of the business, and it fell upon Mr. Bicknell and the late Mr. Bedwell. I was Mr. Bicknell's clerk at that time, and I well remember that we were all very much pressed indeed with the quantity of business; in fact, ultimately the other registrars were obliged to assist

R. H. Leach, Esq. us, and then, after going through discussions and trying different plans for two or three years, we arrived at the present system of rotation by weeks, which certainly has had the effect of distributing the business very nearly equally throughout the office, and of course that is a very great point. You cannot have despatch, supposing you have an efficient establishment, unless you distribute the business equally. The attendance of the registrars on the Courts is regulated by the general order of the 4th of July 1850. (See the Miscellaneous Papers, page 195.)

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1339. Suppose that a registrar was attached to each Court for a stated period, such as a term, or a quarter of a year?—I do not think that much would be gained by it; you would not secure equality of business during the summer; the two registrars who happened to sit in the Court despatching most business during Trinity term, which is the heaviest in the year, might have too much thrown upon them. The business done in Trinity term bears a considerable proportion to the whole business of the year.

1340. Trinity term, and the sittings after it, down to the long vacation?—Yes.

1341. It is suggested that there would be this advantage from a registrar being attached to each Court; viz., that he would hear a cause through, and that the advantage of that would be that he would see more clearly the view which the judge took of the cause, than if he only heard it piecemeal, or heard the judgment without having heard the cause; is that your opinion?—I cannot say it is. Supposing that two registrars were attached to each Court, it would be necessary that they should change their sittings on alternate days. The difficulty would arise in the case of the two, as it would if there were an additional number. Certainly it is an advantage to hear the whole case, and where there is a part-heard cause, the registrar in Court is not in possession of all that has taken place; but he has his colleague to refer to; and if he attends to what is going on, he may generally soon get hold of the point in question, and in the judgment the facts are recapitulated quite enough for the registrar to understand what he is taking down; and when he draws the decree he goes through, or should go through, the papers, and master the facts before he writes it out.

1342. In every case of a part-heard cause, if there were two registrars attached to each Court, the same inconvenience would arise?—It would. I believe, however, that the number of part-heard causes really does bear so small a proportion to the whole number of cases disposed of, that they are not of sufficient importance to alter any existing arrangements on this account.

1343. Delays are complained of in the drawing and completing of orders and decrees; to what do you attribute those delays?—I really believe that there is not anything that can be said to be improper delay on the part of the office. No doubt a great deal of time occasionally elapses before an order is completed, especially in heavy cases, but usually if the papers are brought in, and are in such a state that they can be forthwith taken in hand, they are despatched very rapidly. I have lately looked through my own clerk's book, which shows the period occupied; and I find that after papers come into the office, they are there one or two days, and then they go out to the writer; that is the general rule, supposing that there is nothing to query, and nothing to ask for. I have the book here, and opening the book at any page that occurs to me, I find that in the case under my eye the order was bespoken on the 12th of December 1853, and the minutes were issued on the 14th of December. In that case there is no other entry; we do not seem to have received the papers back again.

1344. Was that an order on petition?—Yes, on the 9th of December. It is bespoken three days afterwards, and it is given out to the writer to be copied on the 14th; it would be ready the next day, or, at latest, on the next day but one. The next case is another petition which was bespoken on the 9th of December, the same day that it was heard; it was given out to the stationer on the 13th; it was returned by the solicitor to bespeak the order on the 15th, and on the 15th it was given out to have the order transcribed.

1345. When was it signed?—It was signed on the 21st day of December. My clerk does not enter the date of the passing of the order; I put that in the margin of my own book when I pass it. I find on referring to my own book that it was passed on the 21st December. It was probably left with me on the previous day. Very often in matters of course I pass the order the same day that it is left, if I happen to be out of Court. If I am in Court I stay sometimes an hour at the office after the Court rises, and pass any short orders there may be, which I can read off and get rid of. Longer orders remain till the next day, and then they are usually disposed of. The following is a copy of my clerks' work book for the day I have mentioned:—

VICE-CHANCELLOR KINDERSLEY, Friday, 9th December 1853.

Names of Plaintiff and Defendant.	Memoranda.	Folio in Registrar's Minute Book.	Minutes.		Order.		Abstract of the Registrar's Note of the Order made.
			Bespoke by Solicitor.	Given out to Stationer.	Bespoke by Solicitor.	Given out to Stationer.	
Holland's trust <i>Jervis v. Stretton</i>	- - -	152 152	12th Dec. 9th Dec.	14th Dec.* 13th Dec.	- 15th Dec.	- 15th Dec.	According to the prayer, amend by stating place of service. Pay the 60 <i>l.</i> and costs of application out of fund; no order on the rest of the petition.
Budden v. Dowling	- - -	153	9th Dec.	-	-	13th Dec.	According to the prayer.
Hindley v. Goodall	- - -	153	12th Dec.	-	-	14th Dec.	According to the prayer.
Colchester's estate	- - -	153	-	-	-	-	According to the prayer, if trustee consents.
Smith v. Smith	- - -	154	No order drawn up	-	-	-	Cur. Pay costs out of corpus.
Brandling v. Plummer	- - -	154	12th Dec.	15th Dec.	20th Dec.	21st Dec.	According to the prayer.
Carbly, rector of	- - -	154	9th Dec.	12th Dec.	15th Dec.	15th Dec.	According to the prayer.
Fenstanton, vicar of	- - -	155	12th Dec.	14th Dec.	19th Dec.	19th Dec.	According to the prayer, and to the vicar for the time being.
Ashton, rector of	- - -	155	12th Dec.	14th Dec.	19th Dec.	19th Dec.	According to the prayer.
Brookhurst v. Hardy	- - -	156	13th Dec.	15th Dec.	17th Dec.	19th Dec.	According to the prayer, pay all the costs out of petitioner's share.
Hurd v. Hurd	- - -	156	9th Dec.	12th Dec.	20th Dec.	21st Dec.	Inquiry whether any licence can be granted by the lord of the manor, and, if not, what steps ought to be taken.
Fenwick v. Mayhew	- - -	157	10th Dec.	-	-	13th Dec.	According to the prayer.
Fluck's estate	- - -	158	10th Dec.	14th Dec.	19th Dec.	24th Dec.	According to the prayer, but not to vest chose in action.
Hunk's estate	- - -	159	12th Dec.	21st Dec.	-	-	Cur. (See registrar's book.)
Wilkin v. Wilkin	- - -	-	12th Dec.	-	-	17th Dec.	Supplemental decree.

* Passed the 21st day of January 1854. The book is not filled up, the clerk having been absent from illness.

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1346. Is the passing of the order always done by the registrar himself?—There are a few orders of course which are passed by the clerks, and they put the registrar's name, or rather initials, to them; but all orders of any importance whatever are passed by the registrar. I think the first item of delay would be, the solicitor not bespeaking the order immediately it is pronounced. A considerable time now and then is allowed to elapse. I have known twelve months elapse. It happens also, as I mentioned, I think the other day, with regard to orders made in chambers, that a memorandum of the order made is given to the solicitor, and he occasionally detains it some days before he brings it to the office. Then, when the papers reach us, and we come to examine them, we constantly find that some document is wanting. If it is an order dealing with funds in Court, it is with great difficulty that we get the Accountant General's certificate, showing the actual funds that we have to work upon. In cases where evidence is required, particularly upon petition, on examining the evidence it often turns out that there is some defect or other which must be supplied before we can draw up the order.

1347. Where there is a great quantity of evidence, and there are exhibits, are those all specified in the order?—Yes. Shortly described, or referred to.

1348. Must those be produced to the registrar, or if he has made a note of them in his book, is that sufficient?—If, as in a case which we had to-day before the Master of the Rolls, the evidence is put in formally, then the registrar's note furnishes quite sufficient materials to draw the order. It very often happens that the evidence is taken to be put in, the counsel only stating the effect of it, and not putting it in formally; then we must get it out from the depositions, or request the solicitor to furnish us with a list; we usually ask the solicitors to furnish us with a list from which it is entered upon the draft order; the other side examines it, and tests its accuracy, and then it is entered as the evidence.

1349. Mr. Follett, the taxing master, brought before us a case which, we think, was before you?—I believe one of the cases he mentioned was before me.

1350. When was the order pronounced?—I do not know exactly when the Master of the Rolls gave judgment, but I was in Court when the minutes had been prepared by counsel; it was mentioned upon the minutes on the 28th of January.

1351. Judgment, we think, was given in December, and it was ordered to stand over; minutes were to be prepared, and then those minutes were to be settled on a day fixed, which was the 28th January?—Yes, the 28th of January, 1854. Referring to the book kept in the office, it appears to have been bespoken at the office on the 28th of January, the same day. The minutes were issued by me on the 24th of February; that was nearly a month's delay, and that I should account for in this way. The minutes were very long; the order is a complicated one, and deals with a large amount of funds in Court standing to different accounts. I have the draft in my hand; I appear to have taken it home in the evening, and to have gone through it, and made various queries upon it, and then I appear to have written upon the back of it this memorandum, "Query the Accountant General's certificate." That is the constant query which, I am sorry to say, arises, although we have issued a printed paper, specifying that as one of the papers which we ought always to have; then, "And as to the funds, the minutes will not work in their present shape, being worded in too general terms. I must see the solicitor on Friday at twelve o'clock—not later." Unfortunately, I did not date that memorandum, but it is probable, being a heavy case, that I should not at once take up the papers, because my rule is, if I have my desk covered with papers, to take the lighter cases, and dispose of them, and retain the heavy cases till I can give them two or three hours' attention. Then I saw the solicitor, as far as I remember, on the Friday. I went through the minutes with him, and pointed out my objections. It was a complicated report, and he appeared to have the figures thoroughly at his fingers' ends. I discussed the case with him, and I think he suggested a way in which the minutes might be framed, so as to obviate my objections, and put the order into a proper shape for the Accountant General. I believe I said to him, "You seem to be very familiar with those figures; if I have to master them, I shall have to take some time over this report. Could you frame a short abstract in figures of what the result of our discussion is, and let me have it, so that I may re-draw the minutes?" The solicitor did so, and this is the paper he brought me. It is in red ink; and I find it written in by me, and converted into the minutes. There are a great many figures, and it was a complicated case. I felt that without the assistance which the solicitor was able to render me I should have had a vast deal more trouble than I had.

1352. Mr. Follett stated that it was a complicated decree?—My work seems to have been a good deal, and the red ink is the solicitor's. Then here I have the minutes, as copied out—still I find a query for the accountant general's certificate of the funds on one of the separate accounts, which I had not got, but notwithstanding that, in consequence, no doubt, of the delay that had taken place, the minutes were issued without it. These are the official minutes as discussed and settled. They consist of 27 pages, and, as settled, are very little altered, but they are very much shorter than the minutes originally proposed.

1353. Were there several attendances of the parties?—I dare say there were at the office. I believe the ultimate result was the same, but the whole frame of the order was recast, and it was quite necessary that the other solicitors should see and be

prepared to adopt what had been done. I do not think they attended before me often, *R. H. Leach, Esq.* but they met among themselves, and were at the office, though not in my presence.

1354. When was the order passed and entered, does that appear?—I find that the minutes were ultimately settled on the 14th of March. As soon as they came back to me I read them through, and they were given out on the 15th to have the order transcribed.

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1355. That was a very difficult order, was it not?—It was a very difficult case; difficult, that is, so to arrange the details, that the Accountant General could operate. The Master of the Rolls had made a declaration, upon the principle of which the whole thing turned, and as to that there was no difficulty whatever.

1356. The Master of the Rolls, having made that declaration in the month of December, felt that the difficulty would be so considerable that he desired it to stand over, in order that minutes might be framed to carry that declaration into effect, and then that they should be settled in court?—Exactly.

1357. Then it appears by the bill of costs that thereupon the minutes were prepared by counsel?—They were, by a very able man.

1358. And that they were handed to the other side, and that the minutes so prepared were discussed in court, and supposed to be settled on the 28th of January?—I do not think there was much discussion in court the second time.

1359. But the result was, that when they came before you to put them into frame, it was found that they would not work?—I do not think that the details of the order were read very fully in court. In such a long story it would have taken the counsel some time to have read the minutes, and I am sure that no long time was occupied; probably he stated, in a short outline, the effect of the minutes.

1360. If the minutes had been prepared by one of the registrars in a working form, and had been examined into and discussed by the solicitors on both sides, the objections which existed when they came into your office would not have been found there?—I think, if I had been furnished with a statement in figures, in the first instance, the great expense would not have arisen, nor the delay. The following is the entry in my book: "*Curia*. Minutes as proposed. All costs as between solicitor and client out of "personal estate, if so agreed; if not agreed, trustees' costs only as between solicitor and "client; the rest between party and party, and costs to be apportioned as between the "real and personal estates *pro rata*. Pay interest on arrears of annuity out of rents "and profits. Pay legacy duty. Get in personal estate, except one sum. Inquire as "to the residue of the estate at testator's death, and how the same was then invested. "Lloyd, for exceptant, asks interest on arrears at 4*l.* per. cent. *Curia*. Be it so. "Palmer for J——. Pay future maintenance to the daughters. 40*l.* to be paid to "J——, if Mrs. F—— consents. *Curia*. If consented to." So that really there was nothing much, except the adoption of the prepared minutes.

1361. Do you find generally much assistance from minutes prepared in detail by counsel, as contrasted with the notes made upon their briefs?—Yes, usually. I do not think I ever had to entirely put aside the minutes, except in this instance. This was a peculiar case. We frequently have to transpose and redraw some of the directions, and we have often a good deal still to do as to the details.

1362. You find the minutes prepared by counsel serviceable?—They are a very great assistance. They give us the substance of the order in writing which it is useful to have.

1363. The great expense in this case was not before the registrar, it was between the solicitors themselves, and from the employment and attendances of counsel?—I was quite astounded when I heard what it had been, but there were eight solicitors,—eight different sets of parties. When you multiply any expense by eight, it soon amounts to a large sum.

1364. The costs altogether amounted to upwards of 100*l.*?—So I have understood.

1365. That is not much more than 12*l.* apiece?—When apportioned among the eight it does not appear so much.

1366. However, in this case there was no great delay?—I think there were only three attendances before myself.

1367. The order was finally pronounced on the 28th of January, and it was passed and entered on the 14th of March?—On the 14th of March it was finally settled before me. On the 15th it was given out to the writer, and I passed it a few days afterwards; as soon as it could be read over and examined. Perhaps this would be a good opportunity to mention one or two cases, instancing the nature of the delay which sometimes occurs after orders are pronounced by the Court. This is a case in Vice-Chancellor Wood's Court, which I think he will remember. It was a short cause, in which his Honour made the order on 10th February 1855, subject to the preparation and execution of a disentailing deed. The fund in Court was money arising from the sale of land, and was to be treated as land. It was necessary that the entail should be cut off before the parties were entitled to take the fund out of Court. His Honour said that when the deed was prepared he wished it to be mentioned again, but that then the order might go as he had pronounced it. That deed was not ready till the 30th of May, which was a long interval; then it was produced in Court merely as a matter of form, and the order was pronounced. The papers then came to me to prepare the order. After looking

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into them I inquired for an affidavit of the due execution of this deed, and an affidavit of there being no charge or incumbrance upon this property, which had been land. The solicitor was wholly unprepared for this; I believe the witnesses or parties were abroad, or there was some reason or other why the affidavits could not be obtained, and a week afterwards the solicitor came to me again and said, that as a favour he wished I would issue the minutes; that he could not get the affidavits for some little time, and that it would advance the thing if the minutes were issued. This of course I did; but the affidavits did not all come to me until the 29th of June. Then on the 2d of July it was completed; that was a very short interval.

1368. That can hardly be considered as illustrating any cause of delay in the registrar's office?—It illustrates very strongly a number of cases which drag on and appear to be a very long period between the pronouncing of the order and the passing of it, yet in which there is not any delay whatever attributable to the office.

1369. That is no fault of the registrar's office?—No. Now here is another cause in which the decree was made on the 28th of June 1854, but the Judge directed the minutes to be arranged and signed by counsel. I never saw the minutes until the 28th of April 1855. What was taking place in the interval I do not exactly know. The case was before me yesterday, which called my attention to it. Then it is queried for the Accountant General's certificate, which is not brought until the 7th of May 1855.

1370. That was simply negligence?—Yes.

1371. When was the order passed?—The minutes were issued on the 9th of May; there was no delay with us, but, upon going through the minutes, I found that it was to divide the residue of the fund in Court in equal shares, between four married women, and I required affidavits of no settlement of the shares of those married women. I am still waiting for the affidavits. The solicitor came to me yesterday and said, "I do not know what I am to do for these affidavits of no settlement; it seems there are settlements, but they cannot be found, and I cannot get the necessary formal evidence. What would you be satisfied with?" I said, "If the evidence is not formal, I must beg you to mention it to the Vice-Chancellor, to see if he will be satisfied with it." I am told that the cause of the delay was chiefly that the solicitors' firm had been broken up, and that they had lost their managing clerk, and that their business had been temporarily in abeyance.

1372 The result of that is that the order is not yet passed which was pronounced thirteen months ago?—It is not yet passed, and there is a difficulty still to get over.

1373. It was pronounced in the month of June 1854?—Yes. I may mention also another case in which his Honour, Vice-Chancellor Wood, took great pains to dictate the order, and I had a very full note of what passed. That was a case in which the motion was to enlarge the time to redeem, and the Vice Chancellor required the sum of 3,000*l.* to be paid on or before the 31st of July, and in default there was to be an absolute foreclosure. In case the 3,000*l.* was paid, then two months' further time was to be given. The objection raised before me by the solicitor for the defendant, who applied to enlarge the time, was this, that in case ultimately he did not redeem, then that the order ought to provide that the 3,000*l.* should be paid back to him. I was sure that was very far from his Honour's intention. On settling the order, I told him that the Judge had expressly stated that he did not hesitate to impose so large a sum, because it did not reach the actual amount of interest, which had been a long time in arrear.

1374. There was 5,000*l.* arrear of interest?—Yes. The solicitor said, "Will you wait until I go to the Court?" I said, "I have so little doubt about it that I think I ought not to wait. You will have a subsequent opportunity of going to the Court."

1375. The time in that case has not been very long?—No; but it illustrates the points which they raise. They try to get something out of the registrar, and when they find that it is hopeless they give it up.

1376. Of course they never went to the Court?—They have not gone to the Court.

1377. Do you think that there would be any advantage in the solicitor who bespeaks the order furnishing copies to the other solicitors who require copies?—I do not see that there would be any advantage. I should rather that they issued from the office.

1378. The question assumes them to come from the office; for instance, in the case mentioned by Mr. Follett, you say there were eight solicitors. The proposal is that the solicitor who bespoke the order should, when he got the order, require the seven additional copies from the office, and that it should be his duty to serve them upon the other solicitors at once, as we understand that the copies are not given to the other solicitors until they apply for them?—They are not.

1379. But this would render it incumbent upon the solicitor (he being paid for it of course) to furnish all the others with copies at the same time as he got his own?—The minutes are at present copied at the expense of the office; there is no fee imposed upon the minutes, therefore I am afraid if the solicitor had that duty of serving he would feel obliged to ask for copies of minutes which might not really be wanted. The solicitor for any party to an application has only to go to the office the moment the order is pronounced, and say he shall require a copy, and it will be ready for him.

1380. Do they never say that they have not a copy of the order?—When they come before us, they sometimes say, "I have only just got my copy;" but they might have

had it. It is always made at the same time that the opposite party's copy is made,—at least, if it is bespoken in time. *R. H. Leach Esq.*

1381. They must bespeak a copy?—They must bespeak a copy, and then my clerk makes a memorandum in his book that such a copy is bespoken by the solicitor, and his name is put upon it. *17th July 1855.*

1382. Does he know when it is ready?—The party who has not the carriage of the order does not know until he gets notice to attend, unless he applies at the office.

1383. In all the cases where copies are bespoken, might it not be desirable that the solicitor who has the carriage of the order should serve those copies upon the solicitors who had bespoken them?—If one could rely, as I suppose one might, upon his always serving them; he might detain them, and then there would be a loss of time in that way.

1384. In fact the solicitor never informs the others that the order is issued till he has had time to look at it and read it?—He gets his own minutes, and he should immediately give notice to settle two days in advance; he may pause as long as he likes.

1385. He takes time to consider?—He may.

1386. And then he does not give notice to settle, and until he gives notice to settle the other solicitors do not know that the copy is delivered out?—They do not know, unless they have taken the trouble of enquiring at the office.

1387. Practically, do they ever do that?—Yes, I must say that they are very constant in their applications, often to our serious interruption; they make a daily application very often to ascertain whether papers are got through.

1389. That occupies the time of the clerk?—It takes his time to answer those questions.

1390. That might be left to a junior clerk?—Yes; in my own chambers it is very much so. I am obliged to be out of the office from want of room, and I have a separate set of chambers on the opposite side of Chancery Lane, and there I have made an arrangement to have a writing clerk, which relieves my clerk a good deal.

1391. Would it be possible for you to send the orders out by porters, or would they be too numerous?—They would be too numerous, and the distances would be too great. If we had an arrangement which admitted of it, we might possibly send a circular letter saying that the minutes were ready.

1392. A printed letter?—We might send a printed letter.

1392 *a*. A junior clerk, such as has been suggested, might prepare such formal things as that?—Yes, certainly.

1393. There would be nothing more than to put in the title of the cause and the name of the solicitor, and to send it?—If I had the means of doing it I should very often direct a note to be written requesting the solicitor to come and see me upon a point to avoid delay. I sometimes do so now, but I have nobody that I can very well ask to do it.

1394. Might not you have a circular merely to be filled up for that purpose?—We might have a circular notice printed or lithographed.

1295. That would diminish applications very much, as persons might wait till they got that letter?—Yes. At present it would be out of course.

1396. You might put in, “*A. v. B.*, 14th March 1854. Minutes delivered out”?—Yes; or “The minutes in this case are now ready for delivery;” something of that sort.

1397. And you might then send that circular to the solicitors engaged?—Yes, I think it would be better if that were done than allowing the solicitor to distribute the copies.

1398. How many minutes are there delivered, upon the average, in a day in your office?—I think when I was a clerk, I could generally draw six or eight orders on petition; sometimes I did twenty, but I used to find that about six or eight orders on petitions I could usually get through in the office hours.

1399. How many letters would have to be written in the office?—I could not say off hand.

1400. How many orders would there be, in the first place?—Perhaps it might not be necessary in the case of an order, as the party having the carriage of the order would know when he had left the minutes, and would expect it a day or two afterwards.

1401. But the other party might not know when it was ready? There would be, probably, too many cases in a day?—Perhaps 100.

1402. Two solicitors in each case?—I could learn, I think, what the average number of copies would be.

1403. The solicitor might apply by letter for mere formal appointments?—Yes, he might; but we must not get into too great a system of correspondence or it would entail a good deal of labour.

1404. It is desirable that we should know about how many copies are bespoken?—That might easily be got at. (See Miscellaneous Papers, p. 198.)

1405. Have you any rule in your office, on petitions, of ascertaining who ought or who ought not to be served when a petition is brought in?—That is left very much to the registrar to determine. We generally require all parties to be served, unless the attention of the Court has been called to it.

1406. When you say “all parties” it is difficult sometimes to see who are parties?—It is often difficult to dispense with the parties, because the petition does not precisely “show what their interest is. When it is obvious that a party has no interest, I should

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pass the order without service ; but I should tell the solicitor, that he ought to have had the attention of the Court called to this ; because it takes time to explain, and the Judge would at once have said what should be done.

1407. Do you think it desirable to have it stated at the foot of the petition, " The parties are " so and so ?—I think it would be a most excellent plan. " The parties proposed to be served on this petition are " so and so. It would bring the matter at once under the eye of the Court. One other cause of delay in the office is through the difficulty of getting the solicitors together before us, when there are many of them to meet. They have very numerous engagements in the court itself. I think there are nearly forty different places where they may be required to be at the same moment,—the courts, the Masters, the Judges' chambers, eleven registrars, Taxing Masters, the Accountant General's Office, and the Bank of England.

1408. Do you conceive that there would be any advantage in having the whole under one roof ?—I think so far you would gain a good deal. I think the solicitors would gain a great deal, because they would probably not require so many clerks to circulate through the different departments.

1409. Do you think they would be quicker, or would it not be simply that they would have fewer clerks ?—Probably it might to some extent resolve itself into that.

1410. Do you think that the fact of its being necessary to walk 100 yards, instead of having to walk 300, really makes any great difference in the issuing of orders out of your office ?—The offices are all within a reasonable distance, certainly.

1411. Do you not think it would make a great difference practically, whether a man had only to open a door and walk into the next room or across a passage, or whether he had to go across Chancery Lane, and up or down part of Chancery Lane from one office to another ?—I am only across the way from the registrar's office. I find that I do not often go there even to see my own colleagues, because I have to cross the lane.

1412. Have you occasion to see them ?—There are many cases in which, if I were in the next room, I should go and look at their books, or ask their opinion upon points that arise. My writing clerk now goes down stairs to look at the books, or fetch them for me to look at ; I have not so much personal communication with my colleagues as I should wish, and I should go oftener to see them if it were more convenient. Then I would remark, that the solicitors in all cases make their own appointments to attend us ; and I think that time is often lost in that way. Perhaps if we had more power to bring parties before us, much in the way in which it is done in the Master's office, and also now in the Judges' chambers, and the Taxing Master's offices, we might save time.

1413. And to make the appointments peremptory ?—To make the appointments peremptory.

1414. Do you think there would be an advantage in making adjournments ?—Then of course we should have a clerk who would keep the appointment book, and we must adjourn and fix a day again if it be necessary.

1415. Besides the inconvenience which you mention would result to yourselves from opening the office from three to four, do not you think practically that the attendance of the solicitors becomes less towards three o'clock ?—The great pressure is from twelve till two ; after that I find a sensible relief.

1416. Probably it is inconvenient to solicitors to attend after that ?—I believe in the latter part of the day they are generally engaged in writing to their correspondents. The registrars themselves are necessarily a good deal absent from the office ; they are usually in Court at least three days a week, sometimes four, sometimes they have an extra day in the Accountant General's Office signing his drafts, and sometimes they are called upon to attend in Court for each other, in case of illness or other unavoidable cause of absence. Their first duty is of course to provide for the attendance upon the Courts. All these things often make it difficult to arrange appointments, and a certain time must elapse without any fault either of the registrar or of the solicitors.

1417. Do you think that a fixed time when the appointment should be kept by the solicitors to settle the minutes would be usefully endorsed upon the minutes when delivered out by the registrar ? For instance, if he himself fixed the time when they should be settled, and sent it out upon the copy ?—It would be very arbitrary. It might so happen that the solicitor having the carriage and prosecution of the order would have made engagements which would make it impossible for him to attend on the day appointed by the registrar. It would certainly give him the choice of taking that day ; it would show that there was a day vacant for him.

1418. If the registrar is to fix the time for the appointment, may not the same result take place ?—What I think should be done is, that the solicitor should come and learn from the clerk who kept the appointment book what days were vacant ; and the solicitor having the carriage of the order might, I think, arrange the appointment with the registrar's clerk.

1419. It is so far arbitrary ?—So it is.

1420. Was it not also the case in the Master's office that the party having the carriage of the warrant took it out from such a day and hour as he thought fit ?—Yes, giving reasonable notice. That is why the power of adjourning would be useful, because sometimes the solicitors cannot attend, and they may state a reasonable cause.

1421. Would you suggest that the registrar should have the power of initiating proceedings when the solicitor took no appointment; that the registrar should fix a day?—My suggestion did not extend to that; it was merely that instead of the solicitor having the carriage of the order fixing the appointment we should be cognizant of it; at present we are not cognizant of the time fixed. A party of solicitors comes into our room without our knowing five minutes beforehand that they have an appointment; sometimes there are two or three appointments at the same or nearly the same hour, and we are not able to entertain them all. It is a loose system; it is perhaps useful to solicitors on account of their numerous engagements which they cannot help; but the consequence of it is, that they attend other places, and do not attend the registrar when it does not suit their convenience.

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1422. At present, when the solicitors do attend they may find that you are engaged with other solicitors in settling a different order, and they must either wait or go away?—It must be so. I know that some solicitors in large practice are very much in the habit of making several appointments at the registrar's office for nearly the same hour, with the view of despatching them all in one visit. In little matters this is, of course, very convenient, but it tends to throw the pressure on a particular portion of the day; and if there is anything of importance to discuss it may occasion too great an anxiety to get through, and hurry off to keep another appointment. I think that in all cases which are likely to take time it would be better that an appointment should be arranged with the registrar beforehand, and short matters might be taken at a particular hour of the day.

1423. Is there any other suggestion which you have to make?—I would suggest also that the difficulties which we have do not arise in cases which are contested in Court, and in which the Judge pronounces the order, or delivers a written judgment, which the registrar can always obtain. The Master of the Rolls usually allows a short pause of two or three minutes after a case is decided, while counsel are endorsing their briefs, and the registrar is filling up his notes; this is extremely convenient. And when any very special declaration or direction is to be inserted in the order, the judges themselves often kindly take the trouble to hand down to the registrar a short note of the exact terms in which they wish it to be expressed. Difficulties arise far more frequently in the cases in which orders are taken by arrangement. After the order has been taken in Court, something else is thought of, and has to be considered and discussed. Upon orders in short causes, the outline of which is merely stated to the Court, very often questions arise in working out the details.

1424. Is there not another circumstance, also in hostile cases, that one party is anxious to press the matter?—Yes, and they are all watching each other. The payment of legacy duty is also a very great source of delay in dealing with money orders. It used to be watched by the clerks in the Accountant General's Office, for which they were allowed to receive a gratuity from the Stamp Office, but when they were paid entirely by salaries, and were not allowed to receive any gratuity or extra remuneration whatever there was a demur, as it was not properly part of their duty, and it was requested that the registrars' office should undertake it. It is a responsible duty. I have known an order sometimes wait a month merely to produce the receipt for the payment of legacy duty. I do not know how the delay can be avoided so long as it rests with us to ascertain that the duty is payable or paid. In those cases in which the duty has been actually paid the person applying for the fund out of Court often does not hold the receipt, and has great difficulty in obtaining it to produce to us from the representative of the deceased person, of whose estate the fund forms part, and the authorities at the Stamp Office have not usually the means of ascertaining that the duty paid was in respect of the particular fund. It is most desirable that some mode of obviating this great obstruction should be devised.

1425. It is the same with the succession duty?—Yes, that will be still more so as the Act comes more fully into operation. I think that the great remedies are additions to the staff, better accommodation, and dispensing with useless forms. The registrars have laid some suggestions before the Commissioners, and though those are matters of detail, still an immense deal of time would be saved in the aggregate by omitting long formal directions in orders, and the orders themselves would be much more intelligible. I think it would often greatly simplify orders dealing with funds in Court, and make them far more easy to comprehend and work, if we were allowed, in such cases as we think fit, to show what is to be done by reference of a schedule or statement in figures, at the end of the order. It is by no means an easy matter to understand a long order dealing with funds in Court, running over a number of pages interspersed and embarrassed with many merely formal directions, whereas one page of figures would often bring the whole history under the eye at once. The Accountant General constantly acts upon masters' reports and chief clerks' certificates, with a schedule in figures, and I have no doubt he would have no difficulty in the case of orders; at present the 28th general order of the 21st December 1833 stands in the way. In point of fact, however, this plan has, notwithstanding that order, been recently tried in one or two instances with success. The amount of copying is an impediment; then the loss of time to the registrars in attending to countersign drafts in the Accountant General's office, I think, might be dispensed with. That was connected with the entering of the cheques in the books of the Report Office, and that portion of the detail has been retained. I rather think that the feeling of the registrars at the time when

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the Act was passed abolishing the Report Office was that the countersigning of the drafts might have been got rid of, but there was a provision that another officer should undertake the duty, and they did not exert themselves then to point it out. The registrar has the order produced to him in the cases of principal money, and he looks at it, and puts his initials to the margin of the order at the same time that he signs the cheque, but that is a mere memorandum that he has signed the cheque,—that order has been marked previously by the Accountant General. The registrar merely follows the initials of the Accountant General. When the Accountant General signs the cheque he puts his initials to the margin of the order, and when the registrar signs the cheque he places his initials after the Accountant General's.

1426. Would it not be an additional safeguard?—I always do look to see the amount, and the name, as far as I can; but the pressure upon us is very great. It is impossible for the registrar to exercise anything like a close examination of the order, or comparison of the draft with it.

1427. In most cases, it is not your own order?—It is very seldom our own order. Then in the case of interest drafts, you really do not see the order at all after the first time. Of course, if a fraud were intended, a draft would be presented to you which you could not compare and detect. I never heard of an error being detected by the registrars. The extreme accuracy of the Accountant General's office may, I think, safely be relied on, and the real check is at the Bank of England. The registrars sent in to the Commissioners a copy of a statement on the subject, which they had recently laid before the Chancellor. As it has not been printed with the registrar's statement it may have been overlooked, and another copy of it shall be sent in. (See Miscellaneous Papers, p. 209.) To refer to another subject; I think, perhaps, something might be done with regard to limiting the time for bespeaking orders. At present there is no regulation of the kind. It might be understood that if the party prosecuting did not bespeak the order, after the lapse of three days, the other side should have the option, and be allowed to take the carriage of the order; that might be useful; it might have some effect.

1428. Might it not be well, also, that if a longer period had elapsed,—say a month,—the registrar should not issue the order without its being mentioned to the Court?—That would impose some check upon the solicitors; they would not like the circumstance of having it mentioned, but according to the present system I fear a good many such cases would be mentioned. Then, I would observe, that according to the present practice in the office, I believe it is held that solicitors are entitled to three notices to pass a decree; I have never however acted upon it myself.

1429. Three notices from the office?—Three notices from the other side; I think that is absurd; I think it should be thoroughly understood that one notice should be attended to; and then if a party who could not attend were allowed to excuse himself upon sufficient grounds, it would be quite enough. In our suggestion, with regard to increased accommodation, I think it was quite intended to suggest that the clerks should have separate rooms as well as the registrars; that they should have ante-rooms. With reference to the question which the Commissioners asked Mr. Bicknell the other day, I think that something might be done by fixing better fees to solicitors for passing orders; such a fee as would induce them to come; and possibly it might be desirable that we should have the power of saying, if a party had not attended, that it should be notified in some way upon the face of the order, so that his fee might be disallowed if he really neglected to attend from time to time. I am not sure that my colleagues would think that it was an agreeable duty to exercise, but I think that it might be useful. I think in some cases also that the solicitors require minutes where the order might be issued without minutes. In decrees that would be difficult, but there are various simple orders in which they are entitled to ask for minutes, and they obtain a fee upon that, and also a fee for making a close copy, and one cannot reasonably refuse them if they require it, but yet it takes a certain period to be issued and to be settled.

1430. That might be made up to the solicitor by paying him a better fee for passing the order—one fee upon an order?—It would be made up to him, and I think the solicitors would much prefer it. I know that copies of minutes are often made merely for the sake of the close copy, because they are often asked for after the order is passed, and we do not like to refuse to give them, lest the solicitor should be mulcted of his proper costs. That was the case when there was a fee upon the minutes, and it is more so now when there is no fee.

1431. Supposing a solicitor was allowed a guinea for the passing of any order, and a fee upon the minutes or upon a close copy, or two guineas upon the passing of the order, the minutes would not be taken to the same extent?—I think not. I am not prepared to say what the fee should be; upon that point, probably, the taxing master would be better able to inform the Commissioners than I am.

1432. Is there any suggestion which you have to make?—Perhaps I may be allowed to mention with regard to the registrar's note, of the counsel's names, that it sometimes happens that there are young counsel in Court whose name the registrar does not happen to know, and cannot therefore take down. It is also desirable that counsel should mention very distinctly in Court whom they appear for. It is very difficult to catch the names as they are given sometimes, and the registrar cannot very well interrupt to ask who the party is. Sometimes a counsel says, "I appear for

the heir-at-law," or "the next of kin," or "the trustees," or "a party in the same interest." which renders it necessary for the registrar to see the brief of the party, in order to ascertain who that is, although the counsel describes him sufficiently to inform the Judge, who has the papers before him. In truth, the production of the counsel's brief is a very great assistance to us; however accurate our own note may be, it is a great assistance to see how counsel have expressed the order. I have a case now before me, in which I was settling the minutes yesterday; I had both briefs and my own note, and they corresponded exactly, except as to one point, and that was endorsed in different coloured ink, and it was admitted that it had been added as a suggestion of counsel afterwards. I have issued the minutes of course without it; how I shall deal with it I do not know, when it comes to be settled upon the minutes. If the other side accede to it I shall include it in the order; if not, probably I must require the parties to mention it to the Court. It was a troublesome case, and was warmly contested, but I believe there is no difficulty in any other respect. With regard to the time the registrars and the clerks are employed, I may mention that it is a very common case for me to take home papers after sitting in Court six or seven hours. I frequently work at night; I believe that my clerk does so also, and I believe that it is often the case with the other registrars and clerks. There being a great pressure at this time of the year, it is quite necessary to do it. I should rather think that it would be better not to be too strict with regard to the clerks as to tying them down to particular times; it might produce this sort of feeling, that they will attend at the office hours, and not be disposed to do much more. I think it is better to rely on their sense of duty and gentlemanlike feeling rather than on coercion, except in the last resort. In heavy cases I have known a long time occupied in the evening—in such a case as one of those which Mr. Follett referred to it was a work of some hours. Then it has also been suggested that the briefs and papers should be handed to the registrar in Court. It seems to me that would never do; the less the registrar is interrupted in Court the better; he is too much interrupted at present. Sometimes gentlemen of the bar and solicitors come and speak to me, and I have sometimes found it a serious matter; something passes between the counsel arguing the case and the Judge which you lose, and you cannot always recover it.

1433. Besides which would not this occur, that the communication to the registrar is made in an audible tone, and the Judge can hardly avoid listening to it?—Some gentlemen cannot speak in a whisper. I think it must often be an annoyance to the Judge, and an interruption. I endeavour to suppress conversation in that way as much as I can, but it is difficult; and it would be better if the evil it occasions were more generally felt. Of course it is very necessary that we should have all papers left with us for drawing up the orders. It is a great waste of time to commence upon papers, and then to find that you must put them aside because they are incomplete. The solicitors should direct their clerks' attention to that, so as to let us have all the papers complete in the first instance. I really think that the delay arises more from that than from anything else. Then again, a great deal depends upon the attention and activity of the solicitor who has the carriage of the order, or of the clerk whom he employs; if he knows his business, and is able to attend to it himself, there will not often be much loss of time. If he is obliged to leave it to young men who are only learning their business, the result may probably be different. In those heavy cases, which must take time, I do not know how the thing is to be got through without several attendances and a good deal of discussion in the office, not in determining what the Judge has ordered and what he has not, but in working out the details. And it seems to me that the details must be left to the registrar, with perhaps a little greater discretionary power in dealing with them than he is now generally considered to have.

1434. How the order is to be carried into effect?—Precisely so; and sometimes the discussion is upon points which have not been thought of, which are raised before the registrar, which if he can he disposes of; but sometimes the result is, that he is obliged to refer the matter back to the Judge.

1435. Does it not frequently happen that additions are made with the consent of both parties?—That is not an uncommon occurrence.

1436. And omissions?—I have also known omissions. If the parties have been competent to abandon a direction, and have done so, I have not felt much hesitation in giving it up. If it was something which the Judge had himself dictated, I should not give up a direction or an inquiry without, I think, mentioning it to the Judge, perhaps in private.

1437. Is there anything further which you have to suggest?—There is nothing more that occurs to me now; but if anything else should occur to me, I will, with the permission of the Commissioners, put it down in writing. And probably, if the registrars were to consult together on some of the points which have been discussed, they might be glad to avail themselves of the same means of laying their views before the Commissioners.

The witness withdrew.

Adjourned.

APPENDIX C.

APPENDIX C.

Questions on the
present System of
taking Evidence.

MISCELLANEOUS PAPERS.

QUESTIONS ON THE PRESENT SYSTEM OF TAKING EVIDENCE.

I. The following objections have been stated to the present system of taking evidence in the examiner's office :—

1. That the examiner has no power to determine on the materiality or relevancy of the questions put.
2. That the examiner declines to take down matter which he conceives to be inadmissible as evidence.
3. That by taking down the evidence in the form of a narrative, the true effect of the examination is not conveyed to the Court.
4. That the Court, not seeing the demeanour of the witness, is unable to form a true estimate of his credibility.
5. That the examinations not being continuous, opportunities are afforded for enabling a witness to alter his testimony, and for adducing evidence to meet particular points on which the witness may have broken down.
6. The delay which arises from the examination not being continuous, and the difficulty of obtaining appointments except at long intervals.
7. The expense which arises from the same source.
8. The loss of time of the examiners from parties failing to keep their appointments with the examiners.
9. That the examiner has no power to commit a witness for refusing to answer.
10. That a witness may demand an unreasonable sum under the name of expenses before giving his testimony.

Do you consider that the defects pointed out exist, and can you suggest any and what mode of remedying them?

II. Have you observed any additional defects in the present system of examination of witnesses in the Court of Chancery?

1. In the examiner's office.
2. Before a special examiner in London.
3. Before an examiner in the country.

State the defects which have occurred to you.

Can you suggest any and what mode of remedying these defects?

III. If the examiner had the power to determine on the materiality or relevancy of questions, would it, in your opinion, be necessary or advisable that the parties should have liberty to appeal to the Court upon such decision?

IV. If the examiner refused to allow questions which he considered immaterial or irrelevant to be put, in what form and at what time should the party be at liberty to appeal?

V. If, at the time the witness is under examination, it is possible that there might be several such appeals in the course of one examination, and would it be practicable to have such appeals heard and determined without great delay and expense?

VI. If the appeal is made after the examination is concluded, does it occur to you that it might not be necessary to have a fresh examination of witnesses and so on *toties quoties*? Does it also occur to you that it would be necessary in some cases that the merits of the cause should be entered into in order to determine the question?

VII. Has it occurred to you that a question which at first sight seems immaterial or irrelevant, sometimes becomes, from subsequent evidence, of the greatest materiality and importance? Is not this particularly the case in cross-examination?

VIII. Is the power of the Court to direct the costs of irrelevant evidence to be borne by the party occasioning it a sufficient check upon the unnecessary consumption of time by immaterial or irrelevant questions?

IX. If not, can you suggest any and what other check?

X. If the examiner declines to take down matter which he considers is not evidence, should the parties have any and what means of appealing from such decision?

XI. If, instead of taking down the evidence in the form of a narrative, it were taken down in the shape of question and answer, do you think it probable that in many cases the bulk of the evidence would be so great as to create inordinate expense?

XII. Do you think it important, that in the majority of cases in the Court of Chancery, the Court should see the demeanour of the witness?

XIII. Can you suggest any mode by which the Court may be made acquainted with the demeanour of a witness short of the examination taking place before the Court itself?

XIV. Would it be practicable, in your opinion, that evidence should be taken orally before the Court itself?

1. In all cases?

2. In any particular cases or class of cases, and if so, how should they be distinguished?

XV. If the Court decide any cause upon oral examination of witnesses, would it be practicable to give an effective appeal from such decision without a re-examination of the witnesses orally before the Court of Appeal?

XVI. Would it be safe to entrust the Court of Appeal with a power of deciding a cause upon notes taken by the judge in the Court below, without the Court of Appeal having the same opportunity as the judge of seeing the demeanour of the witnesses?

XVII. If the Court of Appeal were required to hear the evidence again, do you consider that any additional Courts of Appeal must be constituted in order to prevent arrears? If so, what number do you consider would be sufficient for the purpose?

XVIII. In what manner in that case would the Appeal to the House of Lords be secured so as to enable the parties to secure a speedy decision?

XIX. In case the witnesses who have given evidence in the Court below should be re-examined before the Court of Appeal, would it be practicable to prevent fresh evidence being given to meet particular points in which the party may have failed in the Court below, or from enabling the witnesses to alter their testimony, in order to meet some points on which the judge of the inferior Court may have founded his decision?

XX. Can you suggest any mode by which the expense of retaining the witnesses in attendance on the Court until the hearing of the cause in which their evidence is required can be obviated?

XXI. Is the number of examiners, in your opinion, sufficient for the transaction of the business confided to them with reasonable despatch?

XXII. If not, in what manner would the defect be best remedied?

1. By the appointment of additional examiners?

2. By the appointment of a competent number of special examiners, to be selected in rotation, analogous to the practice now adopted in the case of conveyancing counsel?

XXIII. Should the cross-examination of a witness upon an affidavit made by him, not to be used at the hearing of the cause, be limited to the matter of the affidavit?

APPENDIX C.

Questions on the present System of taking Evidence.

ANSWERS TO QUESTIONS ON EVIDENCE.

Answers to Questions on Evidence.

W. D. Lewis, Esq.

By William David Lewis, Esq., Barrister.—April 24, 1854.

I. I consider that the 2d, 3d, 6th, and 7th of the defects here pointed out do exist.

That which appears to me to deserve most attention is the 3d.

As the evidence is now taken down there is frequently a want of precision or vagueness which destroys the true effect and significance of the evidence. The language of the witness is not always literally adhered to, but is so rendered as to conform to the context in its shape of a narrative. The testimony thus becomes enervated and wasted, and fails, in its written shape, to speak decisively upon the point in issue. The contrasts of expression, as they fall from the mouth of the witness, do not appear so clearly in the narrative framed by the examiner; and thus what is considered to have been satisfactorily elicited from the witness, while delivering his testimony, appears, when written, to be sometimes little more than a compromise of doubts in the witness's mind, and a dubious balance of opinion, which may easily be challenged.

Either the evidence should be taken down in the form of question and answer, or the discretion of the examiner, in paraphrasing the substance of the evidence, should be limited.

2. I think the question of the admissibility should be left to the Court, and the evidence taken down; or if not taken down, the examiner should make a note of what is tendered, and his rejection of it.

6, 7. The remedy seems to be the appointment of additional examiners.

II. I consider, subject to the foregoing remarks, that the present system is not objectionable.

III. I think the examiner should not have the power to determine on the materiality or relevancy of questions. If he had such a power, it would be necessary that the parties should have liberty to appeal to the Court.

IV. After the examination is concluded; by motion.

V. Probably not without great delay and expense.

VI. No doubt it would frequently be necessary that the merits of the cause should be entered into, in order to determine the question on the appeal; and a fresh examination of witnesses would often be necessary. These are weighty reasons for disallowing the examiner the power of determining on materiality or relevancy.

VII. Most undoubtedly this is so.

VIII. Yes; I think so.

X. In my answer under No. 1. I think the appeal should not be by any proceeding antecedent to the hearing; but that upon reading the evidence at the hearing, the

Answers
to Questions on
Evidence.

W. D. Lewis, Esq.

examiner's notes of the rejection of evidence for inadmissibility, should be open to argument, and if the Court then considers the examiner wrong, the witness (whose attendance should have been secured) should be orally examined in Court upon the rejected matter.

XI. There would be much danger of inordinate expense by the change in question, as may be seen by briefs on further directions after oral examination in the Master's office. The corrective of costs might be less sparingly applied in cases where useless or vexatious examinations had been indulged in.

XII. No.

XIII. Only by an examination before the Judge in Chambers.

XIV. Certainly not, in all cases. But I think a more liberal application of the provision, enabling the Court to examine orally at the hearing than has hitherto prevailed, might with advantage be adopted.

XV. In many cases it would be practicable to dispense with the re-examination upon appeal. But undoubtedly in some instances the Judges of Appeal would require the same opportunity of satisfying themselves by observation of the witnesses' demeanour, &c., as was afforded to the Court below.

XVI. Quite safe, I think, to entrust the Court of Appeal with this power, but improper to lay down any rule either prescribing or restricting the exercise of it. The Judges of Appeal would require the re-examination or not, as they should find desirable in each case.

XVII. It would be wrong, I think, to require the Court of Appeal in any case to hear the evidence again. I do not think any additional courts of appeal would be required.

XIX. Not practicable, in the event of a re-examination before the Court of Appeal, to prevent fresh evidence being given, or to prevent alteration of the witnesses' testimony. But the Court of Appeal would abide by the existing rules which forbid the parties, except within strict limits and for simple purposes, to add evidence on the appeal, and would in any case be able to do justice by withholding or awarding costs, as might be necessary.

XX. None—in those cases in which an oral examination at the hearing is intended.

XXI. I think not.

XXII. By the appointment of additional examiners.

XXIII. Certainly, in my opinion.

Charles Otter, Esq.

By Charles Otter, Esq., Examiner in Chancery.—April 27, 1854.

I am of opinion that in all cases where it is sought to establish facts by *vivâ voce* evidence, the Court which has to decide those facts should see the demeanour of the witness, and hear the evidence given. I think that in this consists, principally, the great advantage of *vivâ voce* examination over that taken by affidavit.

It would be possible to ascertain the number of causes decided in the Courts of Chancery, in which *vivâ voce* examination has been resorted to, and it might turn out that these form so small a proportion of the whole that the examinations might be taken before the Judges in the different Courts without increasing the number of Judges. Probably, however, this would not be done, as the present examiners are already (27th April) full up to the 17th of July, and the number of *vivâ voce* examinations is largely increasing.

If this were found to be impossible, then I should venture to suggest that there should be attached to each of the existing Courts, a Subsidiary Judge, whose duty it would be to decide the facts in all the causes in that Court in which *vivâ voce* evidence was taken; but then this Judge should have ample powers to decide upon the materiality and relevancy of every question as well as upon the admissibility of evidence.

As the evidence would be taken down, if it were thought right, an appeal against that decision might be granted to the existing Judges, but it ought to be strictly confined to that evidence, unless upon payment of the costs, and an affidavit of merits. I am, however, of opinion that it is not desirable to facilitate the power of appeal upon questions of fact. I think that the system would work well if the decisions of the Subsidiary Judges were to be made absolutely final. I certainly never would permit an appeal, on a question of fact, to be taken higher than to the Superior Judges of those Courts to which the new Judges would be attached.

In the County Courts, the Magistrates Courts, and the Quarter Sessions, the decisions of the Judges and the Magistrates on questions of fact are final. This has worked well, and I think that it is easier to come to a decision upon the facts of a question in which large interests are concerned, than where there are smaller amounts at stake, because in the former the parties concerned in the transaction are more respectable and more numerous, and the various circumstances surrounding the case are more likely to throw light upon it.

This principle also is about to be extended in certain cases to the Judges of the Superior Courts of Common Law. If such new Courts were created, I think it would be quite possible for the Judges sitting in London to take the causes from beginning to end continuously, and so to arrange that the witnesses should be detained in town very little longer than the time consumed in taking the evidence in each particular case. The expense of witnesses is actually the heaviest expense in a cause. It is impossible to avoid the expense; but as counsel would usually be instructed, I think it would be cheaper to bring the witnesses to town than to take the examiner, the counsel, and the attornies into the country. The continuousness of the examination would save expense, and would be, I

think, very satisfactory to the parties; and it might be so managed that the time of the Subsidiary Judge would be fully occupied.

I as one of the present examiners am quite willing to undertake the new duties, provided sufficient powers were granted; and it might be tried by way of experiment, as an option might be given to the parties to come into the new Court as they now have the option of having their causes heard upon affidavit or vivâ voce examination.

Answers
to Questions on
Evidence.

Charles Otter, Esq.

By T. P. L. Hallett, Esq., Barrister.—April 27, 1854.

*T. P. L. Hallett,
Esq.*

I. 1. I do not think that such power can be safely reposed in any one except the Judge who hears the cause; but, with a view to costs, the examiner might safely intimate his opinion as to any questions, and, if the questions were persevered in after such intimation, the Court, at the hearing, might punish the party adducing such immaterial evidence in costs.

2. It appears to me that the examiners should be bound to take down all the evidence tendered.

3. and 4. These objections appear to me of considerable weight.

5. There is a choice of evils, perhaps, in this objection; evidence may thus, on the one hand, be manufactured, but, on the other, the full truth (which it should be the object of all judicial investigations to elicit) may be obtained, especially in the cases of nervous, infirm, and over scrupulous witnesses, &c.

6. and 7. The delay and expense of the present system are obvious, and the difficulty of obtaining appointments is, I believe, a fact arising from the pressure of business, to which the present number of examiners is inadequate.

8. This may, probably, be remedied by the party failing being rendered liable to costs in a sufficient amount.

9. The examiner, as I conceive, should be invested with this power.

10. This may be remedied either by a scale of expenses fixed by the Court, according to the station in life of the witnesses, or possibly the examiner might be invested with power to settle the amount payable in case of a witness declining to give evidence before payment.

II. The rooms of the examiner's offices were most inconveniently small, when I have attended before the late Mr. Plumer and Mr. Otter, and there were not any convenient outer rooms for witnesses and others in attendance, but I understand that better accommodation is now provided.

I have only had occasion to attend a special examiner at Brussels, who was a London solicitor. As a general rule I think that special examiners and examiners in the country should be either County Court Judges or barristers of not less than ten years standing.

If the present system of taking evidence is to be maintained, I consider that more examiners will be necessary, probably not less than six altogether.

Although the present mode of examination is open to many, if not all, of the objections suggested, yet it not unfrequently has the effect of shortening suits and saving expense, since the parties discover, upon the preliminary examination of one or more of the witnesses, the weakness of their case, or the exact nature and extent of their rights, and are thus induced at once either to abandon or compromise the suit.

III. It would be necessary, as I consider.

IV. By motion to the Court immediately, or so soon as may be after the determination of the examiner, as in case of ex parte injunctions.

V. I think not, unless the Court itself were to take the examination of any particular witness in the place of the examiner.

VI. If the appeal were to take place after the conclusion of the examination, I do not see how a fresh examination is to be avoided, and so toties quoties. In most cases, I consider that the merits of the cause must, to some extent at least, be entered into, in order to enable the examiner or Judge to determine the relevancy of any question.

VII. Yes.

VIII. I think so.

X. Yes, by motion to the Court.

XI. I think not; it appears to me that it should be optional with the parties to have the evidence taken either in the narrative form or by way of question and answer. The narrative form is open to the objections that it does not contain the ipsissima verba of the witness, and that the Court is not aware of the exact points to which the different parts of the evidence refer, and which would, most probably, be more or less disclosed by the questions put to the witness.

XII. In most contested cases.

XIII. The examiner might make a note at the end of each examination as to the demeanour of the witness, but this would not, as I conceive, be so satisfactory as the appearance of the witness in open Court.

XIV. It appears to me that it would be practicable for the evidence to be taken orally before the Court in all cases in which the parties should require the evidence to be taken otherwise than by affidavit, and thus, I conceive, great expense would, in many cases, be saved to the suitors in attendances before the examiner and filing copies and briefs of the evidence, and by avoiding immaterial evidence, and this expense, as also the time of the Court, would be still further saved if the parties were required to admit before the hearing

Answers
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T. P. L. Hallett,
Esq.

any documents and other matters about which no substantial dispute may exist between them, the party refusing to admit being liable, in the discretion of the Court, to pay the costs of any such evidence which he may have refused to admit, if adduced at the hearing by the other party.

XV. and XVI. I think that in all cases, where either of the parties shall so require, all or any of the witnesses as may be so required, should be examined before the primary Court of Appeal, and that justice could not be administered without such Court of Appeal having the power to examine any of the witnesses *vivâ voce*.

XVII. I do not think that any additional Courts of Appeal would be necessary.

XIX. I conceive that it would be practicable to prevent altogether fresh evidence being given before the Court of Appeal to meet particular points in which the parties may have failed in the Court below, but not from enabling witnesses to alter their testimony upon points to which they may have deposed in the Court below, and on which the Judge of the Inferior Court may have founded his decision. As, however, the object of the Court in all cases should be to ascertain the exact truth, and do substantial justice between the parties, I do not myself see any objection to the allowance of fresh evidence before the Court of Appeal, upon payment of costs by the party who either wilfully, or it may be from neglect, accident, or some other unavoidable cause, may have neglected, or omitted, or been unable to bring forward evidence upon any particular points in the Court below.

XX. The only mode by which, as it appears to me, this expense can be obviated is, either by the Court upon the application of counsel, fixing the exact day upon which the cause shall be heard, or by only placing in the list of causes such a number as can most probably be disposed of in the course of the day, and by having particular days for hearing contested causes in which witnesses are to be examined orally, and on which days no other business should be taken.

XXI. and XXII. I conceive that there should be not less than six examiners, if the present system is to continue; and it appears to me, that the appointment of additional examiners will be preferable to that of special examiners as suggested.

XXIII. I incline to think not, since many causes are determined by the result of preliminary applications, and this at a great saving of expense and time; and a witness deposing by affidavit may be cognizant of facts material to the opposite party, and which he may decline to disclose by any affidavit on his behalf.

S. F. Piggott, Esq.

By S. F. Piggott, Esq., Barrister.—April 28, 1854.

I. Objections to the present system of taking evidence in the examiner's office.

1, 2. I think that the examiner ought not to have the power of determining on the materiality or relevancy of the questions put, or of the admissibility of evidence: those powers ought, I think, to be exercised by the Court only.

3, 4, 5, 6. The 3rd, 4th, 5th and 6th objections are, I think, well founded, and the matters referred to in them seem to me to be great defects in the present practice of taking evidence.

8, 9. I think that the defects pointed out by the 8th and 9th objections exist.

Where oral evidence is necessary, I think that the witnesses ought to be examined before the Judge who tries the cause. The proportion of causes in which oral evidence is necessary, is, as far as my experience goes, small; and it seems to me that, as a general rule, evidence in causes should be taken upon affidavit, subject to the power the Court has under the 39th section of the 15th and 16th Vict. c. 86. of requiring the production and oral examination before itself of witnesses and parties, which it will exercise when justice requires it. Also in cases where counsel on both sides may certify that an oral examination as to all or some of the matters in issue is necessary, or where such necessity may appear to the Court, upon a motion made before the time for closing the evidence has expired, by either of the parties, such oral examination may be had at the hearing of the cause without previously taking evidence upon affidavit of such matters as it shall appear by such certificate or motion ought to be proved by oral testimony.

II. I have not observed any additional defects in the present system of the examination of witnesses in the Court of Chancery.

XV. I think that the Court of Appeal should have the power of re-examining the witnesses orally; but in most cases, where the Court below has decided a cause upon oral examination of witnesses, I think that it would be practicable to give an effective appeal from such decision without a re-examination of the witnesses orally before the Court of Appeal, viz., by the oral evidence in the Court below being taken down by a short-hand writer appointed by the Court, in the shape of question and answer, and by the Judge certifying whether he was satisfied or dissatisfied with the evidence of any witness.

XVI. If the course mentioned in my answer to the 15th question be adopted, I think it would be safe to entrust the Court of Appeal with a power of deciding a cause upon the evidence taken before the Court below, without the Court of Appeal having the same opportunity as the Judge of seeing the demeanour of the witnesses; but the Court of Appeal ought, I think, to have the power of re-examining the witnesses where it is dissatisfied with the evidence.

By Henry W. Cole, Esq., Barrister.—April 28, 1854.

Answers
to Questions on
Evidence.

H. W. Cole, Esq.

I. As to objections to the present mode.

1. I think the balance of convenience is in favour of the examiner having no power to determine the question of materiality of evidence. He could not properly do so without to some extent hearing the cause. At present only a brief statement of a few words is made to him, just sufficient to enable him to understand the general bearing of the case. He might by an erroneous decision on the subject of materiality shut out most important evidence.

2. I also think that the admissibility of any particular evidence had better be determined by the Court, and not by the examiner. It would, I think, be sufficient protection to suitors if the examiner were to certify what particular evidence was in his opinion inadmissible. Then if the evidence were ultimately rejected by the Court, the party who had adduced it should be bound to pay the extra costs occasioned thereby, unless the Court should otherwise direct. A similar plan might also be adopted with respect to irrelevant or immaterial evidence.

3 and 4. I think that the present plan will be found by far the best in forty-nine cases out of fifty.

5, 6, and 7. I think the evidence should be taken continuously, and that the practice to the contrary is most objectionable. But this defect is principally attributable to the number of the examiners not being sufficient to transact the business.

8. I see no remedy for this defect unless the examiners had some discretionary, but limited, power to order parties to pay costs if time is lost through their default, and to inflict on similar grounds a small fine on witnesses.

9. I should be sorry to see the examiners invested with such power, particularly as it would be exercised, not in open court, but in a private room. Although there might be few actual commitments of an improper nature, the cases in which there might be threats to commit might be frequent where there was no publicity.

10. I think the examiner should have the power to determine, without appeal, the proper sum for a witness's expenses.

II. As to additional defects.

Under section 40 of the Act 15 and 16 Vict. c. 86, witnesses may be examined before the examiner, *before issue joined*, with reference to some interlocutory proceeding, as, for instance, a motion for an injunction, and they may be cross-examined, and the evidence so given may extend to every point in the cause concerning which the witnesses know anything. Yet the expensive formality of examining them over again *after issue joined* must, according to the present practice, be gone through, unless the parties consent to waive it. Depositions so taken ought, I conceive, to be admissible at the hearing, exactly as if made after issue joined.

III. Yes; or a party might lose his cause or be greatly delayed by a mistake of the examiner.

IV. If such a power were given to the examiner there ought, I think, to be an immediate remedy by an appeal motion, just as there is under the Winding Up Act, when the Master is supposed to have erred.

V. I think such appeals would occasion great delay and expense in some cases, and that is one reason why I think the examiners should not have the power at all.

VI. I think the inconvenience here mentioned would arise.

VII. Yes.

VIII. and IX. I think it is. The natural disinclination of the Court to entertain such minute questions about costs, might, I think, be obviated by the examiners certifying in the manner mentioned by me above. (See Answer to Question I. 2.)

X. Yes, an appeal motion.

XI. I think it would. In almost all instances the cases in which it is necessary to take down the exact language of the question and answer, are extremely few, and then the necessity generally applies to no more than a limited portion of the examination. The examiners have express power under the 32nd section to take down any particular question and answer in that way, and when counsel have requested that such should be done with any particular witness, I have never known the request refused.

XII. Certainly not in the majority of cases.

XIII. The examiner might certify that in his judgment the witness did not give his evidence in a proper manner, or that the witness is one who ought to be personally examined by the Court, if any party requires it. This certificate should be sufficient to entitle the adverse party, if he thinks fit, to have him examined by the Court.

XIV. 1. Not in all cases, without enormous and useless additional expense.

2. I would not recommend it to be done in any case except, firstly, where the examiner certified, in which case it should be at the option of the parties; or, secondly, where the Court itself thinks fit to direct it.

XV. I think it would, if the Judge took notes, and such notes, or such as were material, were at the time read aloud in Court at the request of either party, and then and there corrected if, by accident, anything material had been omitted to be taken down. I apprehend that at common law the counsel have frequently the opportunity of knowing to some extent what are the contents or effect of the Judge's notes by his charge to the jury.

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XVI. I think it would. But the Court of Appeal should of course retain the power of hearing, for its own satisfaction, the witnesses re-examined in any particular case which appeared to form an exception to the general rule.

XVII & XVIII. If all the evidence were first taken in the Court below before the Judge there, and then were taken over again in the Appeal Court, additional courts of appeal would, I think, become necessary. I consider such a plan impracticable and needless.

XIX. I think it would not be practicable to prevent the evils here mentioned.

XX. I cannot.

XXI. The present number of examiners is not, I think, sufficient.

XXII. 1. I think the permanent staff of examiners requires to be increased; but as there are fluctuations in the quantity of business at different times, it is not necessary in my opinion to keep up a permanent staff equal, *at all times*, to get through the work with reasonable despatch.

2. I think it would be advantageous to appoint a few special examiners who should act only at those particular periods when the examiners themselves are overburdened with appointments. But the question who should decide when this necessity really exists, the examiners themselves, or the parties, or the Court, involves other questions of some nicety.

XXIII. I think there is no sufficient reason why any such restriction should be imposed.

K. S. Parker, Esq.

By Kenyon S. Parker, Esq., Examiner in Chancery.—April 29, 1854.

I. 1, 2. I think it desirable that the examiners should have power to decide on the materiality and relevancy of the questions put, as well as the admissibility of the evidence. To furnish them with a copy of the pleadings, except with that view, seems to me almost unnecessary.

3, 4, 5, 6, 7. I think it can scarcely be disputed that the Judge who tries the cause should have an opportunity of knowing the demeanour of the witnesses. This can be scarcely satisfactorily done except by a *viva voce* examination in Court at the hearing. Should this course not be adopted in Chancery causes, I think the present mode of taking the evidence by way of narrative, guarded as it is by being read over to the witness in the presence of the parties, is the next best course. It would be better and less expensive if examinations were continuous, which might perhaps be effected by increasing the number of examiners, and giving them greater powers. It may be worthy of consideration whether the evidence might not be taken in short-hand, and the result, or purport or effect of it, transmitted by the examiner to the Court by way of a report—the parties being at liberty to take copies of the short-hand writer's notes. But this would involve the necessity of the appointment of a short hand writer for each examiner.

III. to VII. I incline to the opinion that the decision of the examiner on questions of materiality and relevancy should be final; but if not final, then that an appeal should be permitted only to the extent hereafter suggested.

VIII. I should think that the power to give the costs of irrelevant evidence not a sufficient check upon the consumption of time arising from irrelevant and immaterial questions; but this is a point upon which I scarcely feel competent to offer an opinion.

XI. If the evidence were taken down for the Court, or trial of the cause, in the shape of question and answer, it would create enormous additional expense.

XIII. The examiner may draw attention to any particular witness, or to any evidence he may consider unsatisfactorily given, by noticing it on the depositions, or by a separate report.

XIV. I think it desirable that in all cases of contested facts the evidence should be taken before the Court itself, as likely to be more satisfactory to the litigating parties, as well as to the Judge who tries the cause. It cannot, however, be overlooked that, to adopt this course in Chancery causes would be to effect an entire change in the mode of trying those causes, and involve the necessity of a considerable increase of judicial power.

XV to XIX. I incline to think that it is not expedient to encourage appeals to the higher tribunals upon matters of evidence; and such appeals, if allowed, should be strictly confined to the evidence on which the case was heard in the Court below. In cases where new facts, or subsequently discovered evidence, are made the grounds of appeal, it ought to be on a special application, supported by affidavits of merits and on payment of costs, as at common law.

XX, XXI, XXII. The present number of examiners is wholly inadequate to take the evidence in all the causes in Chancery, where the evidence is required to be taken orally; nor does it appear to me possible at present to say how many may be requisite. Assuming, however, that it be deemed advisable to continue the present system of taking the evidence in Chancery causes orally, it might not be inexpedient to try whether the business might not be got through with reasonable despatch, by appointing two more examiners in the first instance. In that case I would venture to suggest that an examiner should be appointed to each of the Chancery Courts, namely, the Rolls Court, and the three Vice Chancellors' Courts, who should be assistant or subordinate Judges to the Judges of those Courts; their duties should be not only to take the evidence in all the causes attached to their respective Courts, when required to be taken orally, but also to assist the Judge in

Chambers, by making such other inquiries and ascertaining such other facts as the Judge might find to be requisite in the progress, or at, or after the hearing of the cause. Such an officer in each Court might be found extremely useful to the Judge, in conveying to him information as to the demeanour of witnesses, and the nature and character of the evidence if at all questionable; and if his decision on the materiality or relevancy of any questions put should not be considered right to be final, an appeal might be given from that decision to the Judge of the Court; but I should not think it necessary on those points to have an appeal to any higher tribunal. Parties would also have the assistance of counsel before such an officer, which they have not now before the Judge's clerks in Chambers, as I understand.

XXIII. I think that the cross examination of a witness upon an affidavit, made upon an interlocutory application, and not to be used at the hearing of the cause, should be confined to the matter of the affidavit.

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K. S. Parker, Esq.

By W. Elmsley, Esq., Queen's Counsel.—May 1, 1854.

W. Elmsley, Esq.

Before I attempt to give any answer to the questions on the present system of taking evidence, I think it will be useful to consider, first, what is the nature of the evidence to be adduced in equity suits, whether it should be written or oral; and, secondly, in what mode such evidence should be taken. The answer to the first question depends upon the general nature of suits in equity. Their decision depends not so much upon the detection of falsehood as the eliciting of truth. For the detection of falsehood, oral is preferable to written testimony; for the eliciting of truth merely, it does not possess any advantage over written testimony that will compensate for the increased expense incurred in obtaining it. The great majority of suits depends upon the construction of instruments, and the rights of individuals as affected by that construction. In these cases the risk of falsehood is very small, and the proof of the instrument and of the persons interested may be readily obtained, and the rights safely decided upon written testimony. In the other suits in equity in which questions of fraud arise, or in which contradictory testimony in writing has been given, the detection of falsehood is required, and it may well be that in such cases oral testimony will be useful, if not necessary. Whether it is to be adduced or not should depend entirely upon the opinion of the Judge who tries the cause. I think that in these cases also the evidence should, before the hearing, be taken in writing. The evidence, therefore, in all equity suits, should in the first instance be taken upon written testimony; oral testimony should be adduced at the hearing, and not before, and then only if the Judge requires it, but not otherwise.

The next question is, in what mode should the written testimony be taken? In cases where witnesses will come forward and give evidence, I think (but not without doubt) that it should be given on affidavit according to the present practice. But if the witnesses will not of their own accord make affidavit, then, I think, the party requiring their testimony should have the right to examine them upon interrogatories according to the old practice.

The expediency of giving testimony upon interrogatories or upon affidavit, depends at last upon the question of expense. The tendency of testimony upon affidavit is to depart from the real point in dispute, and the longer it is continued the greater is the departure. On the other hand the tendency of testimony by deposition upon interrogatories is to multiply unnecessarily the proofs of the same fact. Theoretically, the testimony upon deposition would be better and more valuable than that given upon affidavit; but the superiority is not great, and is (as I am informed) in practice more than counterbalanced by the greater expense in procuring it.

In cases where oral testimony is required, it should be taken before the Judge who is to decide the cause. To take it before an examiner or any person other than the Judge seems to me to be worse than useless. The demeanour, the manner of the witness, in short all that distinguishes the man who is speaking truth from one who is speaking falsehood cannot be represented on paper; the witnesses must be seen and heard to have their testimony duly weighed and appreciated.

I think, therefore, that, as a general rule, the evidence should be given by affidavit; if a party requires in addition evidence upon deposition he should have the power to obtain it under the order of the Court, according to the old practice. I have ventured to make these introductory remarks, and I now proceed to answer the questions of the Commissioners.

I. 1 and 9. I think these objections not well founded. As to (9) the power of committal should rest with the Court.

2, 3, 4, 5, 6, 7, 8. I think these objections well founded. As to the objection No. 5, I think it well grounded, not only as a question of expense, but as affording opportunities for witnesses to be tutored and tampered with.

The remedy is, that *vivâ voce* examinations should not be taken before the examiners at all.

II. I think the whole system of special examiners wrong. As to the mode of remedying the defects, I refer to my introductory remarks.

•III. Certainly.

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IV. If the examiner be entrusted with this power, a party should have the right to appeal from his decision on a special case to be settled by him.

V. Appeals here contemplated, I think, might be heard and determined without great delay or expense. To avoid delay, they should be put in the paper as demurrers now are.

VI. I think the difficulties suggested by, or which suggest themselves on reading the questions numbered IV. V. VI., show the necessity of *vivâ voce* examination being taken before the Judge who is to decide the cause, and no other person.

VII. Certainly.

VIII. This power of the Court is the best which can be applied; but if not sufficient, then,

IX. I cannot suggest any other.

X. If the examiner is to have this power, the parties should have the means of appealing, and I think by a special case as before.

XI. Not inordinate as compared with taking it in the form of a narrative.

XII. In the majority of cases I think it not important.

XIII. Whenever, according to the opinion I have expressed in my introductory remarks, a witness is to be examined *vivâ voce*, it is most important that the Judge should see the demeanour of the witness.

In original causes I cannot suggest any mode.

XIV. It would be practicable in all cases, but advisable only in the causes and under the circumstances mentioned in my introductory remarks.

XV. I think so; but the Judge whose decision is appealed from should state to the appellate tribunal his belief or disbelief in the truth of the testimony given by the witnesses examined before him.

XVI. Under the guard mentioned in question XV., I think it would be safe.

XVII and XVIII. I am not able to give any answer to these two questions.

XIX. I should think it not practicable.

XX. This can only be obviated by the day being certainly known on which the examination will take place. If the suggestions above mentioned should be adopted, the Judge who is to hear the examination can fix the day on which the examination should take place.

XXI. Yes.

XXIII. I think it should be so limited.

Sir W. B. Riddell.

By Sir Walter B. Riddell, Bart., Barrister.—May 3, 1854.

My practical experience of the working of the present system of taking evidence in the Court of Chancery, is not such as to give authority or value to my opinion.

As, however, I have had some experience of the mode of taking evidence in other courts, as well as in Chancery, (on circuit, in Parliament under commissions for the examination of witnesses from the Common Law Courts, and from India, as Recorder, &c.) perhaps I ought not to decline expressing my opinion, or offering such practical suggestions as occur to me, upon the questions submitted for consideration by the commissioners.

I. 1 & 2. With regard to the objections which have been stated, if the practice of the examiners be to reject, and not notice what they deem inadmissible as evidence, it is at variance with the practice usual, I believe, under commissions out of the Common Law Courts, and with the construction I should put upon the 32d section of the Act 15 and 16 Vict. c. 86.

3. The "narrative form," required by the Act, I understand to mean only the form in which judge's notes and depositions before magistrates are taken; that is, in the first person; omitting the question, but incorporating so much of it with the answer as is implied or adopted thereby; (*e. g.* Q. Where were you on the first of April? A. In London,—would be taken down thus, On the first of April I was in London.) The true effect of the examination, that is, of what the witness meant to say, is thus, I think, given.

If the question as well as answer be taken down, the effect often is to adopt what is in mind of the counsel, but not of the witness as evidence; in exact proportion to the ingenuity and skill with which the question is framed, and its proximity to a leading question.

7. If the examiner doubts how much of any question has been mentally adopted by the witness, he would repeat it at once in a different form.

4, 5, 6, 7, & 8.—These objections are obvious, great, and probably unavoidable under the present or any similar system. With regard to the delays (which are much complained of) the statement of the objections suggest the effectual remedy, viz., to require a continuous examination in each cause to its close. By that, and by strict attention to a well-arranged cause list before the examiner, the necessity for any great delay might be prevented. Special appointments for each case must tend, if short, to costly adjournments, if long, to inordinate waste of the examiner's time. A list, or the number, of witnesses should be,—probably is,—required, when the cause is set down before the examiner, as some guide to the time to be allowed for the appointment, however made.

9. The Commissioners of Bankrupts under their Act of Parliament, can commit, in such cases; but they sit as a judicial tribunal, and not as the mere agents of a court to take notes

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of evidence. I think such a power to be exercised on the spur of the moment, in a court unfrequented by the public, by an officer not intrusted with power to decide the materiality or relevancy of the question to which an answer is refused, should (if to be granted) be provisional only, and limited to one day, or some brief specified time, within which application for further commitment if, required, might be made to the court.

10. I have always understood that a witness is only entitled to demand a *reasonable* sum for his expenses; and that the noncompliance with an *unreasonable* demand would be no excuse for his refusal to obey a subpoena or give evidence.

The following answers and remarks will suggest some of the remedies for the defects to which the questions point, which appear to me practicable.

III., IV., & X.—If the examiner should have the power of deciding upon the materiality or relevancy of questions, an appeal would appear essential, and so I think it is, if he may decline to take down matter which he considers not to be evidence. I am not aware that any branch of the court has decided that he is not bound to take all down; but, if he is not, the result of the cause would often depend on his opinion, irresponsible if not subject to appeal: (*e. g.* the result of a cause relating to the construction of a will involving an ambiguity, frequently depends upon the admissibility of evidence offered to explain it.)

The ruling of the fifteen judges as to the reception or rejection of evidence at Nisi Prius, is open to a Bill of Exceptions, or to be reviewed on motion for a new trial.

If the present system of examination is to continue, I think that the practice under commissions for the examination of witnesses out of the Common Law Courts, is on the whole, the best; viz., to take down every answer in the first person, and in the words of the witness, as nearly as may be, but incorporating the words of the question so far as they are expressly or impliedly adopted by the answer.

When any question is objected to, and persisted in, the question and answer are both taken down; but written within brackets or a margin or otherwise distinguished, with a note thus: "The following questions &c., within &c., were objected to, on the ground &c."

This mode unavoidably in part admits the inadmissible matter; but whatever be the danger of prejudice therefrom in the Court of Chancery, it would be no greater than under the old system of written interrogatories.

V. & VI.—The difficulties as to appeals on questions of evidence pending the examination suggested in these questions are substantial, and I think that one of these alternative courses must be adopted, viz., either the examiner must determine all questions of evidence without appeal (which should not be); or (2ndly) refer all to the court, by taking all down in the manner above described, in which there is no difficulty: or else (3dly) the evidence must be, taken, as it ought to be before the court for whose information it is required.

VII., VIII., & IX. Questions wholly irrelevant and immaterial are seldom put and persisted in by competent counsel in Court; perhaps not before the examiner. But neither counsel nor Judge can always determine *a priori* what is, or may not become material.

Palpable irrelevancy may generally be stopped by a timely suggestion of the Judge or examiner; and counsel will seldom insist on having his errors recorded; but if an experienced counsel, knowing all the facts and bearings of the case, insists on the relevancy of his question, he must be allowed to conduct his own case. Wilful or unconscious error would of course not be checked by the extra costs it might bring upon the client.

XI. If the questions as well as answers were to be taken down before an examiner, in order that the Court might therefrom extract the evidence; the process would be best performed by sworn shorthand writers; but the Blue book Reports of Parliamentary Committees promise no diminution of bulk or expense. Evidence, so taken down, whether printed or copied in manuscript, must, in a cause with many parties, greatly increase expense.

XII. There can be no doubt that it is important, I should say essential, to the due administration of justice; that the Court of Chancery, or any other Court which has to decide upon the evidence of a witness, should see his demeanour. Every one knows how often a man's words are confirmed or contradicted by his demeanour.

Hesitation, embarrassment, &c., can only be discerned by observing the demeanour. The "No" that means "Yes" is spelt just as if it meant "No."

XIII. I am not aware of any tried photographic, mesmeric, or other agency by which the Court might be made acquainted with the demeanour of a witness during his examination, except by witnessing it. Affidavits thereanent would scarcely be satisfactory.

XIV. In my opinion it is quite practicable to take evidence orally before the Court of Chancery. I think it may be as easily done there, and when Judges and counsel in Equity shall have acquired experience and facility in examining witnesses, will be as well done as in the Common Law Courts. Additional Judges might be required.

The only classification of cases should be, 1st. Where oral evidence is expedient or required. 2dly. Where it is not.

The majority of causes would come into the second class.

The recently introduced practice, allowing more frequent use of affidavits, and motions for decree on affidavit, seems to work well, and in an increasing number of cases.

„ I believe that generally, in suits relating to discovery, trusts, infants, administration of assets, construction of wills, and other documents; specific performance, foreclosure

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and redemption of mortgages, account, partnership, and injunction, &c. &c. &c., affidavits would be found convenient, and preferable to the oral examination of witnesses. But, wherever oral examination is required or desirable, I can suggest no doubt as to the propriety or expediency of taking it before the Court.

Of all judicial functions, I think, that of hearing the evidence on which the Judge has to decide, is perhaps the least proper to be performed by deputy. When written interrogatories, and secret examinations before the examiner were abandoned, the complete transition to the public examination of witnesses before the Court could not be remote. And I think that no amendments of the present system can do more than palliate its leading and intrinsic defects.

XV. & XVI. I think it as practicable to give an effective and safe appeal, without a re-examination of witnesses, from the decision of a court, which has heard the witnesses in the cause examined, as of one which has not. And the oral examination of the witnesses before the Inferior Court, does not seem to involve necessarily any material change in the present practice of rehearings and appeals in Chancery.

The shorthand writers', or the Judges' notes, read (as in the Courts of Law,) in the presence of the counsel in the cause, would be as trustworthy as the examiners' at any rate; and might be used as safely on an appeal in Chancery, as in the Queen's Bench.

If, however, it should be found necessary, or expedient to adopt any classification of appeals with reference to questions of evidence, questions or conclusions of fact, and questions or conclusions of law or equity; the practice of the Court of Law affords convenient analogies.

In case of appeal on the ground that evidence was erroneously admitted or rejected, or that the hearing was unjust, or unsatisfactory, by reason of surprise or other cause; or that any matter of fact was decided on an erroneous view of, or conclusion from the evidence; the form of appeal might be by way of Bill of Exceptions against the ruling of the Judge, or motion for a rehearing, or new trial before the same or the Superior Court, such a motion necessarily must be made, and a new trial, and rehearing of the witnesses granted, or refused, upon the notes of the evidence in the Inferior Court, however recorded.

In cases of appeal from decisions upon points, or conclusions of law or equity, not involving a new trial, the present practice of appeals and rehearings would be unaltered, except that the evidence, (however recorded,) would have been taken before the Inferior Court, instead of the examiner.

The 16th question shows very strong feeling as to the necessity for judicial observation of the demeanour of witnesses, in suggesting that no Court, even of appeal, can fairly decide without it. But the right to a new trial need not necessarily, and cannot well be made co-extensive with the right of appeal from erroneous conclusions of law, or even of fact.

With a view to facilitate appeals confined to particular issues or conclusions of law or fact, when a general appeal may be unnecessary, perhaps equity pleadings might admit of slight modification. Distinct issues of fact might be raised by the prayer of the bill, and by the answer; on each of which a distinct adjudication might be required; and the decree or order, might assume a form similar to the French, (e.g.,

1. Finding, or considering that the agreement alleged in the plaintiff's bill was made, &c.
2. That the subsequent dealings and transactions pleaded, or stated by the defendant's answer, did not set aside, or vary the said agreement, &c.
3. Decree.—That the said agreement be carried into effect, &c.

XVII. I do not believe much additional work could advantageously be got through by the existing number of Judges in the Court of Chancery. But if the due administration of justice require a better mode of taking evidence, the requisite number of Judges should be provided.

The seven Equity Judges transact, perhaps almost as much, and fully as responsible business, as the fifteen in the Courts of Common Law.

I should not, however, anticipate that the hearing of causes will occupy much more of a Judge's time, when witnesses shall be orally examined in Court, than at present. The evidence now must either be read in Court, or in private by the Judge, a very unsatisfactory mode of treating it. And the length of depositions taken before an examiner, would scarcely assist in estimating the length of time to be occupied by the hearing of the same cause, if the witnesses were examined in Court. The leading counsel would then conduct the examination; and concisely, in order to be effective. He would judge of the effect produced on the Court; and so avoid needless repetition, or, if not, would be stopped.

On the other hand, the responsibility of selection, and of not examining all available witnesses, upon every point, before an examiner, is great; and it can hardly be expected from juniors and solicitors, who cannot, à priori, assume in all cases, that the confidence they may feel in the evidence of a credible witness to a fact within his knowledge, will be shared by the Judge, who will merely read his deposition, without observing his appearance and demeanour. One bearing the look of truth, and another of roguery, using the same words, look alike on the notes; so that evidence must often, and properly be taken before an examiner, to guard against the risk of misconstruction or failure upon any point which would never be required in Court.

It will not escape attention, that expense and delay would both be saved to the parties if there were but one hearing for evidence and decree.

XVIII. The appeal to the House of Lords would be as now, upon the evidence before the Court, however recorded. No system of appeal can be devised free from the objections of expense, delay, and the like; but they need not be increased, according to my view, by the changes under consideration.

XIX. In case the witnesses examined in the Court below should be re-examined before a Court of Appeal, their evidence could not be confined to what they before gave. The identical questions and answers, words and gestures, neither would nor could be repeated. Even the same persons (supposing others excluded) could not be always secured as witnesses.

An appeal upon which witnesses were again examined would be a new trial, and there seems no just reason why (if a new trial be proper) the parties should not be allowed to strengthen their true case by new and material evidence, and rectify previous omissions or errors. If there be no cause for a new trial, the propriety of a decision of the inferior court could not be tried by new evidence or materials which were not before it.

XX. Expense in retaining witnesses, from the day on which their cause is appointed to be heard until the hearing, can scarcely be avoided; but I think any long detention would be generally quite unnecessary, and only due to the want of, or not adhering to, well-defined arrangements; and whatever may be found most convenient in Court would probably be so before an examiner.

I would (though with great deference) venture to suggest some such practice as the following,—assuming the witnesses to be examined before the Court.

Causes in the Court of Chancery requiring oral examination of witnesses might be heard (as most are at law) in the sittings after term. All other causes,—opposed motions, petitions, pleas, demurrers, exceptions, &c.—might be reserved for the term.

I should expect that the number of causes in which witnesses would be orally examined before the several Courts would certainly not occupy them more than, say, four days a week in the sittings after term.

Let unopposed orders, &c. be made daily at the sitting of the Courts, and reserve Mondays and Saturdays out of term for seal days, and for short causes, petitions, &c.

Let the cause paper for the four intermediate days in each week be carefully settled, and published on the previous Friday afternoon, and be adhered to. It might be made out in two divisions. No cause in the second division to be taken before the Thursday.

Sufficient notice would thus be given, so that no witness from almost any distance by railway need attend, or be in London, before the Monday or Wednesday, and no serious detention need ensue. Such an arrangement might be applied also to causes before examiners, and default before them entail the like consequences to parties and witnesses as upon a trial.

XXI. and XXII. I believe (but upon report only) that the two able and experienced examiners are wholly unable at present to despatch the business before them. If so, and the present system is to continue, I think additional regular examiners preferable to special examiners, provided they be required to transact their business as publicly as possible, and to take the evidence in each cause continuously, *de die in diem*, if necessary, to its close. It should not be reopened or adjourned, except on evidence of the unavoidable absence of a material witness, or in such like cases, to be strictly defined, or upon the order of the Court.

XXII. If an adequate number of regular examiners be not provided, I think the mode suggested of appointing special examiners of the Court, to act in rotation, preferable to the present system of special examiners, which must lead to irregularity. But they should be required to take the evidence continuously, and at times appointed or regulated by the Court; at all events, by strict general rules. If the appointments were to depend upon the convenience of the examiner and counsel in the cause, all the well-known irregularities and objections in references at *Nisi Prius* would soon arise.

Regulated and fixed appointments (as to take the whole evidence in a long cause continuously) would so much tend to interfere with private practice in Court, that I doubt whether very competent men would willingly undertake the duty. Moreover, I entertain a strong opinion that the multiplication of small appointments under judicial patronage, however admirably exercised, is prejudicial to the Bar.

In case the Equity Judges cannot undertake the task of hearing witnesses, I would venture to suggest another mode of dealing with their oral examination, by converting the examiners into a public judicial Court, with the usual powers of a Court, to hear the evidence, and draw and find all conclusions of fact (like a *Nisi Prius* Court) for the Court of Chancery. Such a tribunal, though an innovation on the existing practice, would, I believe, work well, and give confidence and satisfaction, more so, at all events, than any system of examiners employed merely as machines for recording evidence.

I will describe the proposed Court and its functions, in order that the difficulties and advantages, if any, of my proposal may be readily observed.

Let “a Court of Evidence in Chancery” be constituted of three Judges, to sit together, and hear, and try, and draw all conclusions of fact from the evidence, and find the facts in all causes requiring oral examination.

Causes should come before this Court at the stage when they are now ready for the examiner. The Court should either find a simple verdict or finding upon the material

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issues and matters of fact, or a special verdict, as the case might require. At first, the parties should have the option of requiring the latter upon setting down their cause in a special paper. In such case, within a limited number of days after the trial, they should be required to agree upon the special verdict, or each to deliver to the same Court the form in which he asks it, from which the Court would readily settle its form, according to the usual and convenient practice of the Common Law and Quarter Sessions Courts.

The verdict, or finding, (in whatever form) would then come before the Court of Chancery for hearing and decree on the law and equity reserved, as now after trial of an issue, or on a special case, or (almost as) upon the hearing of a cause in which the facts are admitted. The ruling and decisions of this Court upon evidence, erroneous conclusions, or verdicts, &c., would be questioned upon the notes of the evidence (however recorded) by appeals in the nature of bills of exception, motions for new trial, rehearing, judgment (or decree) non obstante veredicto, &c., as elsewhere.

The present forms of pleading in Chancery would seem as consistent with such a mode of procedure as with the present system. But the working of the new Court might perhaps be facilitated by some alterations according to my previous suggestion, which I will amplify a little. I would suggest that the narrative statements of the bill (usually very clear, as now divided into paragraphs, and printed) and the prayer should remain as now. But that the conclusions sought to be drawn, or a concise summing up of the material facts in the form of issues be interposed before the prayer. In the answer they should be admitted or denied, and any fresh issues in defence raised. These might be admitted by the replication, which would remain otherwise as now. The verdict should contain a distinct finding upon every issue, as well as any other conclusion of fact found to be material.

If a Court (as a jury) of three Judges, which I should prefer for questions of fact, be objected to, a single Judge might constitute the Court. I am inclined to think that there would not be more than the work of one efficient court. But, if any such system as now suggested were approved, it need not, at any rate with single Judges, be much if at all more costly than a competent number of examiners. The salaries of the Judges, if to sit alone, might be (say) 2,500*l.*, or if for one Court only, then for the chief 3,000*l.*, and the two others 2,000*l.* a-year.

XXIII. When a witness making an affidavit is open to cross-examination, I see no good reason for limiting it to the matter upon which he has thought fit to swear, to the exclusion of other matters material or relevant to the truth, and within his knowledge. The cross-examination should however only be used if, and when, the affidavit in chief can be and is used. And, if further restriction be desirable, of which I have doubts, perhaps the cross-examination might be required to be strictly relevant to the matters which may be in question, or material upon the special occasion when the affidavit in chief may be used.

I have freely, upon the request of the Commissioners, but with much deference, offered the above remarks and suggestions upon their questions; but beg to repeat that my limited practice entitles them to no peculiar weight.

J. Layton, Esq.

By John Layton, Esq., Solicitor.—May 4, 1854.

I.—1. I consider this is not so. I have seen notes of objections placed on the depositions.

2. This is so.

3. Ditto.

4. To detect falsehood, the witness should be seen by the Judge who decides the cause.

5. This objection is well founded, and can only be remedied by a *vivâ voce* examination.

6. This objection is well founded.

7. The expense now is alarming. I believe counsel's fees are regulated per hour. No rule has yet been settled by the taxing masters.

8. Objection well founded.

9. I think the examiner should not have the power to commit.

10. Objection well founded.

I have ventured to write a few observations by way of rider.

11. I think all evidence should be given in open court. In the country it is difficult to have the assistance of counsel on examinations.

III. Undoubtedly; but this would be remedied if the evidence were taken *vivâ voce*.

IV. I think the points should be stated in writing by the examiner, and argued before the Judge in chambers by counsel or the solicitor.

V. Only in the way I have pointed out, viz., by bringing all the points at once before a Judge at chambers.

VI. It seems to me that the contemplated difficulty would arise; hence the necessity of the Judge seeing the witness.

VII. There cannot be any doubt about it.

VIII. I think it would be, if the Court left no question for the taxing master.

IX. The remedy I suggest is that the Court should inflict an amount of costs, or at all events specifically point out what should be disallowed.

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X. Yes; in the manner suggested in answer to No. IV.

XI. I think so. I believe the questions are not useful.

XII. Perhaps not in the majority of cases, as evidence is now taken (*i. e.*, by proof of documents, &c.); but in all cases in which any question of fact is to be decided, the Judge should see the witness.

XIII. No.

XIV. I think it would be practicable.

1 and 2. No. In all cases in which a cause has to be decided by documentary evidence the practice of the Common Law Courts should be adopted of each party giving notice to the other of the documents intended to be adduced in evidence, whether in plaintiff's or defendant's custody, that they may be inspected. If not admitted, an application should be made by summons at chambers, and if the Judge thinks the requirement reasonable, and parties refuse, the party refusing should pay all costs of proof (by affidavit), whatever may be the result of the cause. In all matters of disputed facts I think it most essential to justice that the witnesses should be examined *vivâ voce*, and I believe this practice would have the effect of saving many references to chambers, and thereby affording further directions and further consideration.

XV. I think so. The Judge could easily certify to the Court of Appeal his opinion of the witnesses. The Appeal Court could have the discretion of calling all or any of the witnesses.

XVI. I think so, having regard to my answer to No. XV.

XVII. No; I think not.

XVIII. In the same way as pointed out in answer to No. XV.

XIX. I think it not practicable.

XX. It occurs to me that the cause paper may be so regulated as to detain the witnesses a very short time in town.

XXI. Certainly not.

XXII.—1. There should be an examiner for each Court, who would be found very useful on references.

2. I think not by rotation, but by each Court having an examiner, if those officers are to be continued.

XXIII. I think so.

Having had considerable practice as a managing clerk and solicitor of the Court of Chancery for upwards of twenty years, I have ventured to answer the questions put with reference to the mode of taking evidence.

From my experience I can testify that the practice now adopted is inadequate for the purpose of detecting falsehood. Cases in which a decree is sought upon questions of facts disputed do not form the majority of suits in this Court. In all cases of documentary evidence I would suggest that the practice at law of requiring first an inspection and then admissions should be pursued and made imperative upon the parties to the suit.

No question arises upon points of construction merely.

In all cases of controverted facts, I would suggest that all the witnesses be produced in open court before the Judge who has to try the cause, and as at law he submits to examination-in-chief and cross-examination, I believe the effect of this course of proceeding would be to decide in most cases the whole subject of the suit at the original hearing, and thus avoid the delay and expense of references and further consideration.

I am sorry to be compelled to state that I have my misgivings as to the mode of deciding a cause upon affidavits being correct. The facilities which are afforded to deponents who are not very particular for hazarding statements are very great indeed. I believe, too, in the majority of instances, affidavits are overloaded with irrelevant statements, and this complaint has recently increased. The number of deponents, too, are multiplied.

In very many cases the railway fare to London of a witness and back would not cost more than the expenses of preparing and filing office copy, brief copy, of the affidavit of that witness. An affidavit of forty folios entails an expense of about 6*l.* by the time it gets into counsel's hands, even as between party and party.

I hope I may be forgiven in expressing my strong desire to see the present practice altered, and in all cases of contest about facts the witnesses shall be produced before the Judge who has to hear the cause.

By Robert Wm. Peake, Esq., one of the Chief Clerks to the Vice-Chancellor Stuart.—
May 4, 1854.

R. W. Peake, Esq.

I. As to the objections raised:

1. If the examiner has not the power, he probably, in many cases, has not the means of determining upon the relevancy or materiality of the questions put.

This difficulty might be obviated by informing him of the issue raised between the parties in respect of which the evidence is tendered, and by furnishing him, when necessary, with a short abstract of the pleadings, similar to the practice upon a trial at law.

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2. As a general rule, this is not a defect. In some cases the evidence tendered may be clearly inadmissible, it would be needless to encumber the depositions with more than the examiner's note of the tender and rejection of such evidence; but the nice questions as to the admissibility or relevancy of evidence which continually arise, render it a matter for much consideration, whether the examiners *generally*—by which I mean more particularly to call attention to examiner's specially appointed, and whose qualifications must be considered with reference to this subject—should have the power of deciding upon such questions as they arose. It is a question of convenience, whether the evil of delay and unnecessary expense caused by taking down irrelevant and inadmissible evidence, is equal to the expense that may be incurred by an application to the Court consequent upon its rejection.

I incline to the opinion that it would be desirable to give such power to the examiner, subject to appeal to the Judge; it is an evil that cannot be wholly avoided. I think the balance is in favour of the opinion I have ventured to express.

3. I do not concur in this. If the evidence is required to be given, and is taken down in the terms of the question, as it generally might be, when proper care and skill is exercised, the true effect is, in my judgment, conveyed to the Court. There are, no doubt, exceptional cases. I express this opinion from my own experience of examinations taken before me.

4. In some cases this must be so. There is no effectual remedy for it; but an intimation from the examiner to the Judge of his own opinion upon the subject, and care in taking down the evidence will go far to mitigate the evil.

5. The disadvantages of an incontinuous examination might, I would venture to suggest, be lessened (see answer to No. 6.) The opportunities offered to a dishonest witness to mend his evidence, would always be used disadvantageously to his own credit where not speaking the truth. Cross-examination would, in most cases, elicit how far such a witness was to be relied upon. If the witness has broken down upon any point of evidence, I see no great disadvantage in the opportunity that may be offered of supplying the defect by other testimony. The link may be a sound one in the chain of evidence, though the first witness may fail to rivet it. At the same time, I am of opinion that such opportunities afforded by delay and incontinuity of examination are to be discouraged, as negligence in getting up the evidence with due despatch is thereby promoted.

6. The first inconvenience referred to might probably be mitigated. The difficulty of obtaining appointments can only be remedied by shortening the mode of taking the evidence, or increasing the staff of examiners. A previous acquaintance with the matters to be proved, and the probable number of witnesses, would enable the examiner to form some judgment as to the time required for the examination. The solicitor having got up the case must be capable of giving information that might enable the examiner to fix the time with probably more effect than at present.

7. There is no remedy that I can offer for this.

8. There is no remedy but compelling the party next on the list to proceed as in jury cases, and precluding the defaulting party from going into evidence, except by leave on special application to the Court, and upon payment of costs. I believe default in such cases to arise almost invariably from negligence.

9. This requires very serious consideration. I refer to my observation as to special examiners in answer No. 2. Where the witness is clearly contumacious, the power might be safely intrusted. In other cases, where the examination is before the examiner, assuming him to have the power to determine upon the relevancy and admissibility of evidence, the power might probably be intrusted without much danger, because an immediate remedy could be supplied, by way of appeal to the Judge upon summons or motion; but where the examination is before a special examiner, it must be considered how far he can in all cases be reckoned upon as a person fit to be intrusted with such a power, and whether the remedy by appeal can be made sufficiently effective and immediate. It must also be borne in mind that a threat to commit a witness may induce him to disclose matters, injuriously to third parties, which after all should not be revealed.

10. The case is analogous to a witness subpoenaed upon a jury cause. If he does not attend I would leave the party to his remedy; if he does, the examiner should have power to determine whether or not reasonable expenses have been paid or tendered.

II. In addition to what I have before said, I can only suggest for consideration whether the evil of taking the evidence piecemeal could be conveniently remedied, when issue is joined, by setting down the cause with the examiners to proceed upon the evidence, and letting it come on in its turn. I am not prepared to venture any decided opinion upon it at this time. The matter for consideration would be the additional expense of having witnesses waiting for the case to come on. I have been informed that witnesses are sometimes permitted to explain or correct a previous statement, which is erased or altered accordingly. If this be so, it, in my opinion, is a most pernicious practice, and of course the evils alluded to in No. 4 and 5 must arise in full force; the original statement should obviously remain unaltered. I am also informed that the examiners have refused to hear the defendant's witnesses until the plaintiff has closed his case, and it has been made the ground of application at chambers to enlarge time for

closing evidence. I consider that the present orders do not warrant the exercise of such a discretion, which would be convenient and perhaps necessary if the examiners were to exercise any judicial authority, and to hear evidence upon each case in turn upon the cause being set down.

1, 2, 3. I am unable to suggest anything upon these numbers further than is contained in my previous answers.

III. I have already partly answered this. It would in my opinion, be advisable and necessary that there should be an appeal to the Court. There exists such an appeal against the ruling of a Judge at Nisi Prius, in the form of a motion for a new trial. There is obviously stronger ground for granting such an appeal against the examiner of the Court of Chancery.

IV. Upon the whole, I incline to think that the most convenient course would be a motion to the Court by the objecting party when the evidence is closed, upon notice to show cause why the evidence should not be admitted, all the rejected evidence would then be known, and the principle upon which it depended might be arrived at and determined upon. It is for consideration, whether such motion should come on alone or with the cause. In the latter case the Court would have the better opportunity of judging of the propriety of granting the application. In the former it might more conveniently decide upon the advantage of taking the evidence in open Court, as compared with sending it back to the examiner. In either case the cause might be postponed, if necessary. In very simple cases an earlier appeal to the Judge might be allowed.

V. I do not think it would, and I have framed my answer to No. 4 accordingly.

VI. I have framed my answer to No. 4, with a view to meet these difficulties as far as practicable.

VII. Decidedly so, and it perhaps requires more experience and the exercise of more discretion in stopping a cross-examination than an examination in chief. The weak points of a witness's evidence are so often elicited by circuitous questions, apparently having no bearing upon the subject, that it is often very difficult to form a correct opinion upon the propriety of the course of examination.

VIII. I do not think it is.

IX. I can suggest no other check than what may be collected from my previous answers.

X. I have already answered this.

XI. I am satisfied it would, and would deprecate such a course of proceeding. The depositions would be interminable, the expense fearful. It would introduce a system of taking down the evidence by a short-hand writer, who would put down every word of the witness and other parties, whether important or not. This would lead to a loose, rambling way of taking the evidence. The depositions would be loaded with irrelevant matter, and would have to be fair copied and gone over with the witness at a future time. It would lead to delay, expense and irregularity in every way.

XII. I do not.

XIII. I have already answered this.

XIV. Generally, it would not with the present number of judges, and I doubt its practicability.

1. I think not.

2. It might advantageously be done in the case of rejected evidence before the examiner.

XV. I think *generally* it would upon the Judge's note. At Common Law there is no difficulty in general in arriving with sufficient accuracy at what evidence was given at the trial. The counsel upon either side have always between them a sufficiently perfect note of the evidence to supply any little defect there may be. The Court of Appeal might have a discretion to rehear the evidence, or any part of the evidence, if it was deemed advisable. When the appeal was for rejection of evidence, the Court of Appeal, of course, would admit such evidence, if overruling the decision of the Court below.

XVI. I think it would, I refer to my answers to No. 3 and 4, Question I.

XVII. and XVIII. I am unable to answer these.

XIX. Quite impracticable in my opinion. The proceeding so far must be analogous to a new trial at law.

XX. I cannot.

XXI. I can form no opinion, except from the information I have received of there being a great arrear of business in the examiner's offices.

XXII. I am not prepared to answer this.

XXIII. Nor this: I do not at present see why it should.

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R. W. Peake, Esq.

By W. Rogers, Esq., Barrister.—May 4, 1854.

W. Rogers, Esq.

The present system of examining witnesses appears to me so cumbrous, dilatory, expensive, inconvenient, and inefficient in cases of any magnitude, that I think nothing but a complete substitute for it will be a sufficient protection to the suitor.

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W. Rogers, Esq.

I. I think that most of the objections stated to the present system of taking evidence and other inconveniences, time and expense would be avoided by adopting some such plan as the following :—

Let, whatever system of examination be adopted, every affidavit and every answer be ordered to contain a passage to some such effect as this, viz., that the party making it has carefully read and considered it, and upon his oath it is conscientiously true and correct to the best of his knowledge and belief; and let it be made the duty of the officer administering the oath, to put a question to this effect, and unless answered affirmatively, to refuse to take it.

Let all affidavits to be used at the hearing of any suit by bill, or claim, or motion for decree, be settled and signed by counsel.

Let the setting out of documents at length in answers or affidavits be prohibited at peril of costs, at the discretion of the court.

In a late case of Ramsden v. Garden, before the Master of the Rolls, on cross-examination in Court of a party on his affidavit, which was an echo of the bill, his Honour adverted upon the careless and improper manner the cross-examination showed to have occurred in preparing affidavits. The above plan would be calculated to rectify it, and equally applies to answers.

Let every party be bound at the peril of costs, in the discretion of the Court, for pursuing a contrary course without sufficient grounds being shown, to bring forward his evidence upon affidavit, subject to cross-examination.

I think provision ought to be made for paying affidavit witnesses for expenses of attendance, if demanded in the same way as witnesses attending to be examined orally are entitled.

Every cross-examination, and every examination in chief, which must be taken *vivâ voce*, should, in my opinion, be taken in all cases before the Judge who is to decide upon them, and this could always be taken with sufficient despatch and by proper regulations, without more or at even less expense than the present system, by means of sworn shorthand writers of experience, as in the case of evidence taken before Parliamentary Committees, and should, I think, be taken only by way of narrative, but in a manner to ensure its correctness and efficiency. This might be by the examining counsel, or the Court repeating the answer to be taken down in a narrative form, to be again repeated aloud by the shorthand writer when taken down; and any particular questions and answers could be taken down, and any other details could be conducted in such manner as the Judge should at the moment direct.

The shorthand writer's note should, if required by either side, be transcribed without delay, and verified, if required, on oath; and where the examination is likely to be of any considerable duration, different shorthand writers should take different witnessess.

Thus a written authentic record of all evidence would be obtainable for all purposes, including appeal and subsequent proceedings.

The costs of taking and transcribing the evidence should be in the discretion of the Court.

The examination of every witness should be continuous and not adjourned, except under unavoidable circumstances.

If the examiners be continued, much delay would be saved by the evidence being taken before them by shorthand writers, on some such plan as I have suggested for taking it in Court.

Enormous time is unavoidably consumed by taking down every word of the evidence at length in the mode at present adopted.

Much unnecessary expense and inconvenience would be avoided by adopting a suggestion which I have already made to the Commissioners, that each party, or his solicitor, should be compellable to view the documents or exhibits of the other side upon demand in any stage of the proceedings, and especially as to a defendant prior to putting in his answer, and the costs occasioned by putting any party to proof of any document without sufficient cause in the judgment of the Court, should be made to fall on the party occasioning it.

Answers ought, in all cases to be readable as affidavits for all purposes of the suit—one effect of this amongst others would be to prevent their repetition by subsequent evidence in chief, which is an abuse the present mode of taking evidence is open to.

Wherever it is necessary to examine or cross-examine the witness *vivâ voce*, I see no course so efficient or proper as that this should take place in open Court, and that there is no other reliable means of communicating the demeanour of a witness, or party, to the Court.

A case recently occurred, where a party on cross-examination, after various shifts which would have given the Court the complexion of his whole evidence, at length, in a subdued tone, admitted he had destroyed a document (an account) which might have disproved his case. This was simply and unavoidably taken down in some such words as these,—‘I had an account, I destroyed it.’

The mode of conducting these examinations in Court would easily assume a pertinent and effective form. It is well known how the practice of excepting to answers has diminished by their being heard in open Court.

Whether the present mode of taking evidence be continued or it be taken in Court in some such form as I have suggested, I think the parties ought to have the means of being supplied each following day, or on the day, with office copies, to be made *brief-wise*, of the examinations as they proceed, as enabling both sides to conduct the cause with more efficiency and despatch, and as the evidence is now open and public no object is gained by delaying the delivery of these copies.

The taking of the evidence at broken periods by adjournment is most pernicious, dilatory, and expensive, and the taking of it before the examiner instead of the Court occasions its repetition with diminished efficiency by copies, briefs, &c., at the hearing and subsequent stages.

1, 2. If the examiners are to be continued I think it highly objectionable to invest them with the power to determine the materiality or relevancy of any question, or a discretion as to taking down matters which they conceive to be inadmissible as evidence. I think the Court alone should have this most important power.

The costs occasioned by any irrelevant or inadmissible matter should be visited by the Court on the party occasioning it improperly or inconsiderately.

3. I think it is quite competent by some such course as I have suggested, to give the true effect to examinations in the form of a narrative, whether taken before the examiner or the Court.

4. But that it is essential that the Court see the demeanour of every witness.

5, 6, 7, 8. The examination not being continuous is open to the objections suggested, and others.

9. I think the Court, and not the examiner, ought to have power to commit a witness for refusing to answer.

10. The amount to be demanded by witnesses for expenses should be regulated by the examiners upon the scale adopted at law, and a similar scale should be adopted by this Court.

II.—1, 2, 3. I have no further answers to make to these questions.

III. I think it essential, if the examiners are to be continued, that there should be a right of appeal from their determination on the materiality or relevancy of questions, if they are to be armed with such power.

IV. The form of such appeal should be by adjournment from the examiner to the Court.

V. Occasionally, but rarely, I should expect there might be several such appeals; but they could be so conducted as to prevent great delay and expense, and in any special case the matter could be adjourned to the hearing.

VI., VII. Occasionally the consequences suggested by these questions would occur.

VIII., IX. The only check upon the unnecessary consumption of time by immaterial or irrelevant questions appears to me the Court's discretion upon costs.

X. I think if the present system continue, the right of appeal ought to extend to the examiner's declining to take down any matter; the peril of costs or adjournment to the Court or hearing would in my opinion be sufficient protection.

XI. In many cases, taking the evidence generally by question and answer, instead of narrative, would create inordinate useless expense.

XII. I think in almost all cases in which it is really necessary to have *vivâ voce* examinations at all, it is important for the Court to see the demeanour of the witness.

XIII. Nor can I suggest any reliable substitute for this by which the Court can be acquainted with the demeanour.

XIV. I think it practicable by some such course as I have suggested, in all cases where it would be really necessary to have the evidence taken orally, to have it taken before the Court. I do not think any classification practicable, but then I rely on the feasibility of some such plan as I have first suggested, and again upon the control which the Court's discretion upon costs would have in all cases.

XV. The plan I have above suggested would give effective means of bringing the evidence forward on appeal from any decision, and on all future occasions without re-examination of the witnesses; but the Court of Appeal ought to be armed with authority in any case to examine or cross examine any witness orally.

XVI. If some such plan as I suggest be not adopted, I think it would be safe to intrust the Court of Appeal in most cases, but not in all, with the power of deciding the case from the notes of the Judge in the Court below, who would then make it part of his duty to take a careful note of the evidence in every case, and if so taken it should be read in Court at the time, to give both sides the opportunity of applying for any addition to it on the spot.

I think it absolutely necessary to adopt some such plan as I have suggested to prevent the intolerable burden of any Court of Appeal taking the evidence again.

XVII. An additional number of Courts of Appeal would be requisite if the evidence is to be repeated.

XVIII. It would probably be requisite to have a Judicial Committee of the House of Lords permanently sitting for considerable periods, to enable parties to secure a speedy decision, if the evidence is to be repeated before the Court of Appeal.

XIX. It would be scarcely possible without a written record, in some such mode as I have suggested, to prevent upon appeals fresh evidence or amendment of evidence on

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particular points, or the alteration of testimony. Without some such precaution, the matter would almost unavoidably assume the shape of a new trial at large, and not an appeal in the shape in which we have hitherto dealt with appeals in the Court of Chancery.

XX. A mode of preventing expense, of retaining witnesses in attendance, would be to give causes in which there is to be oral testimony precedence of the others in the paper of the day, with minor arrangements, by which inconveniences might be avoided.

XXI., XXII. I think that if the present mode of examination be continued, one additional examiner, at least, is necessary, and that the hours of attendance must also be increased, and that the appointment of a competent number of special examiners, to be selected as suggested, would also be necessary.

But by some such plan as that which I have suggested, almost all the above inconveniences would be avoided, or materially diminished.

XXIII. I think the cross-examination of a witness on affidavit, whether to be used at the hearing or otherwise, ought not to be limited to the matter of the affidavit; and where any such cross-examination takes place in Court, it should be recorded to be used for all future purposes of the suit.

H. T. Erskine, Esq.

By H. T. Erskine, Esq., Barrister.—May 5, 1854.

I. 1, 2. It has always appeared to me, that any system under which the evidence is taken otherwise than in the presence of the Judge who is to decide the cause, must necessarily occasion a mass of irrelevant evidence. The counsel, though familiar with the case, does not dare to omit matters which he may think irrelevant, lest they should at the hearing turn out to be relevant; and I do not think that it would be safe to leave to the examiner, who must know very little about the case, the power of excluding matters which may prove important.

As to the admissibility of evidence, the only difficulty that occurs to me is, that it is not very easy sometimes to distinguish an objection to evidence as inadmissible from an objection to evidence merely as irrelevant, but subject to this difficulty, I think the examiner should have complete control in regulating the proceedings before him, rejecting (subject to correction at the hearing) improper evidence, and keeping both counsel and witnesses in order; including power to commit a witness refusing to answer, and to decide all questions of expenses.

I think that all the objections specified, s. 3, 4, 5, 6, 7, 8, do exist. The only remedy I can suggest is, (assuming the present system to be retained in substance,) to have a shorthand writer paid by the Court, always present, taking down questions and answers; the examiner as now taking the evidence in form of a narrative. In nine cases out of ten, the parties would be content with the narrative; in cases where there was a really serious contest as to fact, either party should have a right to insist on having the shorthand writer's notes treated as the evidence. Abuses in demanding this ought to be checked by means of cost. In this plan, it would be necessary that the transcript of the shorthand writer's notes should be made at once, and filed, and the shorthand writer should be considered, in every respect, as the officer of the Court. Whether the evidence is taken as a narrative, or by question and answer, it seems most important that any alteration or qualification of an answer once given, (if at all material,) should be taken down separately, stating when it was made, and that it should not be incorporated with the original answer. This would, I think, remove much of the objections alluded to in s. 5., and would better enable the Judge to give to the evidence its proper weight.

III. If the examiner should be authorized to decide on the materiality or relevancy of evidence, I do not think any appeal would work well. If he should erroneously shut out evidence, it will be better and cheaper supplied at the hearing; if he erroneously admits it, the grievance is only a question of costs, which would only be aggravated by an appeal, and can be satisfactorily dealt with at the hearing.

X. I think this erroneous rejection of evidence, on other grounds than that of irrelevancy, can be put right at the hearing more easily than by appeal; and I imagine the instances of rejecting evidence, for receiving which there is any reasonable ground, are very rare.

XI. I think to have the evidence *used* in every case in the form of question and answer, would create very unnecessary expense. I think it should always be so *taken*, but the expense of copies might be avoided in a great majority of cases.

XII. I do not think it *important* in the majority of cases, that the Court should see the witness. I think it most desirable that the evidence should be taken orally before the Court, and I do not think that much time would be lost by it; but I do not think it practicable on two grounds.

1. The difficulty of appeal.

2. The inconvenience caused to parties and witnesses would be out of all proportion to the benefit otherwise gained. If this course should be adopted, I suggest the necessity of setting apart a certain number of consecutive days for cases to be heard on *vivâ voce*

evidence; otherwise, the inconvenience of detaining witnesses over two or three days devoted to motions, petitions, short causes, chambers, &c., would be quite intolerable.

XV. If the *viva voce* evidence is desirable for the Court below, it must be desirable on appeal. It does not strike me that the use of *viva voce* evidence would take up much more time; but there are very serious objections to a second examination of the witnesses.

XXI. XXII. I believe there is no doubt that the number of examiners is insufficient. I do not think that there is any remedy but by appointing more. Special examiners as suggested in Q. XXII., would not, I think, meet the difficulty; for I do not think counsel in good practice would accept the office. The case of the conveyancers is quite different; they merely undertake for the Court certain business falling within their ordinary occupation. The special examiners would be required to hold themselves in readiness for business that must be done during the very hours of the day which are devoted to their professional practice.

XXIII. If a witness makes an affidavit, I do not see why the party against whom it is to be used, should not have full power to extract from him any information which he may be able to give.

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By Thomas M. Cattlin, Esq., Solicitor.—May 6, 1854.

T. M. Cattlin, Esq.

The examiner ought to be bound to take the plaintiff's and defendant's evidence continuously, and should have power to commit a witness as a Common Law Judge has now power; he should not be required to take down or the witness to sign the evidence, but merely notes, as is done by the Judges of the Common Law Courts; he should decide, and find the relevant matter before him, and to have power, as also the parties, to call in a jury. After the finding of the relevant matter the cause should be set down, and come on on further directions and costs, and then either party dissatisfied with his finding or acceptance or rejection of evidence should have power to direct to have his notes in Court and question his decision or decision of the jury, and all other matters and costs could be disposed of.

The present system is a disgrace to the country, creating enormous expense, and by means of not having the evidence taken continuously great delay arises, and opens a wide field for perjury and getting up contradictory evidence, or what is called drilling the witness to defeat the evidence given, which the witness to contradict prepares himself to do.

I am quite certain it is practical for the evidence to be taken before the Court itself, and the only perfect way of administering justice in a proper way. On appeal to a higher Court no fresh evidence ought to be allowed, but the notes of the Judge and the pleadings ought to be transmitted, and on them the case reconsidered; on questions of law only the Judge in the Court below having power to direct the examiner to rehear questions of fact, or submit same to another jury, or if the Court heard the oral evidence itself, any suitor aggrieved could ask for a rehearing and it would be in the breast of the Court to grant it. Abolish unnecessary holidays, and the collating and taking the signatures of witnesses to their evidence, the examiners and the Vice-Chancellors are sufficient to carry out the proposed improvement. In the new mode twenty witnesses could be examined where one is now done. Mr. Otter is a most able examiner, but being confined to a ministerial office he is prevented doing the good his talent would enable him to effect if armed with proper power. The cross-examination of a witness upon an affidavit should not be limited to the matter of the affidavit but extended to the whole matter in question.

By John Evans, Esq., Solicitor.—May 8, 1854.

J. Evans, Esq.

I. I think he has neither means of knowing nor power to determine.

3. I don't see the force of this. The evidence is taken here as elsewhere, in the form of answers to questions.

5. It is taken as the witness gives it, and all variances would appear on the face of the examination.

10. I am not aware of this, otherwise than is always unavoidable. The witness is summoned on a subpoena, and is bound to attend.

I do think so, except as above qualified. And I have found the defects pointed out in Nos. 1 and 2 most particularly dangerous and hurtful.

II. Yes; I have known material parts of the evidence (as received) wholly omitted from the examination, or written evidence, by the examiner.

The only remedy I can suggest is an open examination in Court.

III. I think that liberty of appeal would lead to insupportable evils. And yet such an imperfect system, as in my opinion the present is, ought not to exist without some means of correcting the errors of an examiner.

If with the power of determining, the examiner had competency in all respects, I think there ought not to be liberty of appeal. At any rate not so as to impede the progress of the suit. The right might be saved, and judged of afterwards.

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- IV. I cannot tell. I think the system is altogether bad, and not susceptible of being patched up by "topical" remedies.
V. I should think not. Certainly not.
VI. It surely does.
VII. Yes; undoubtedly.
VIII. No; because they are frequently the result of conscientious ignorance.
IX. A competent Judge, at the hearing, with oral testimony.
X. I cannot tell. It is a suggestion of one monstrous evil to cure another.
XI. It would doubtless add to the expense in every way. I think it would not be expedient.
XII. In all, where facts are contested.
XIII. No, certainly not.
XIV. I do. I think it so important, that, in my opinion, it ought to be made practicable.
1. Yes, in all. For where the dispute does not relate to facts, it would probably not be long.
XV. I think so. It is done at law, uniformly, on motions for new trials, &c.
XVI. I think it would. The appeal would be in respect of something more substantial; and the fact of the decision below would always have its weight. There must be a limit.
XX. No, other than a speedy and certain hearing.
XXI. I have not sufficient experience to say. But from the difficulty which seems to be found in getting an appointment, I should think not.

C. S. Drewry, Esq.

By C. Stewart Drewry, Esq., Barrister.—May 8, 1854.

1. 1. I do not think this a defect. I think it would be a very dangerous power to intrust to the examiner, assuming that he is to be as he now is, merely an examining officer, having nothing to do with inquiring into or deciding the case.

2. I think this is an existing defect. The remedy, I conceive, is apparent. The examiner should be bound to take down such matter, appending, if he thinks fit, his objection and the ground of it.

3. I think this is a defect, but not a very serious one. I do not see any satisfactory way of remedying it; the evil of excessive length, if question and answer were taken down, would I think overbalance the advantage.

4. This is, in my opinion, a defect of the most grave and serious character; but I see no way of obviating it if the system of separate examination before an examiner is to continue.

5, 6 and 7. I think these defects do exist; but I cannot suggest any remedy, assuming the system of preliminary examination to continue.

8. Yes. I see no remedy.

9 and 10. These are defects. The remedy, I think, is simple enough. Let the examiner have power to commit, and let the demands of witnesses be liable to taxation, having regard to their circumstances, position, and engagements.

I have to observe on the foregoing questions and suggestions, that I offer the latter only as palliatives of a system intrinsically defective; so defective, in my opinion, that though it may be made less inefficient than it is, nothing can make it satisfactory.

II. I cannot say that any other specific defects have occurred to me.

III. I think if he had such a power, it would be absolutely essential that there should be a right of appeal. I cannot conceive how an examiner with the imperfect materials which are before him, can be safely trusted to decide finally on materiality or relevancy.

IV. V. VI. I think the best course would be to reserve all the points till the examination is concluded; and then that the appeal should be by motion on the whole, of which notice should be given within a fortnight from the close of the examination. I think it almost certain that cases would occur in which it would be necessary to go into the merits in order to determine the question reserved; and therefore the Court should have power at its discretion, either to determine the questions on the motion or to reserve them till the hearing.

VII. I think there is the highest probability that this would occasionally, perhaps frequently, occur; but if there were an appeal to the Court there would be little danger of mischief from this cause, as the Court would never reject a question if there were the slightest probability of its being relevant or material.

VIII. IX. I cannot say I think it a perfect check; but I am not aware of any better, nor indeed of any other which it would be safe to use.

X. I think they ought to have power to appeal by motion.

XI. I do. I do not recommend, if the examiner's offices are continued, any change on this point.

XII. Most decidedly. I think it of the last importance.

XIII. I cannot.

XIV. 1 and 2. I think it would in all cases, meaning in cases of all classes. Of course there would be instances of *particular witnesses* where it might be either not practicable or so inconvenient as to be substantially impracticable, to examine them before the Court. In the case, for instance, of witnesses residing in the country, very old or

infirm—in such exceptional cases preliminary examination before a special examiner seems unavoidable. But I think that method of examination should be the exception. I wish not to be understood, however, as suggesting that in all cases it should be compulsory on the parties to examine their witnesses orally before the Court. The sound principle, in my opinion, is this: Any party should of right be entitled to examine his own witnesses, or to cross-examine his opponent's witnesses orally, before the Court, on any contentious proceeding taken in Court, and the Court should always have power to require oral examination before it. But if parties prefer either to begin or to begin and continue their evidence by affidavit, I think they should be at liberty to do so, provided that either party should always have a right to cross-examine orally in Court any witness who has made an affidavit. I apply these observations to motions and petitions as well as the hearing of causes; in fact, as I have already stated, to all contentious proceedings in Court.

XV. XVI. and XVII. On questions XV. and XVI. my opinion is that it would not be practicable or safe if the Court of Appeal is to take appeals generally on the whole case, that is, on the facts as well as the law; and on question XVII. I do not see how it can be well ascertained what number of Courts of Appeal would be requisite, till experience has shown how many Vice Chancellor Courts would be requisite. I should think one additional Court of Appeal at the least would be required. But the opinion at which I have arrived on this portion of the subject is, that there should not be appeals, properly so called, upon the facts, but that the practice at common law should as nearly as possible be followed, viz.: If the parties are dissatisfied with the decision of the Court below on the whole case, or on the ground of improper rejection or reception of evidence, or on the ground that the decision is against evidence—in fact, on any of the grounds on which a new trial is directed at law, I think there should be a right to apply by motion to the Court of Appeal to have a new trial, on which motion the Court would decide as it does at law (as to the evidence, proceeding upon the notes of the Judge below), whether to grant a new trial or not; and if it granted a new trial it should go to some other Judge than the Judge who first tried the cause. I think the Courts of Appeal should be confined, as a general rule, like the Courts of Common Law sitting in banco, to the decision of questions of law. I think they should have, nevertheless, power to direct, if they think fit, on special grounds, an appeal to be to them on the facts as well as the law. But, if the course previously suggested were adopted, such appeals, and consequently any examination of witnesses before Courts of Appeal would, in my opinion, be very rare.

XIX. I am afraid the dangers pointed out in this question is incident to a re-examination of witnesses anywhere, whether before a Court of Appeal or on a new trial before a Vice Chancellor. I do not conceive it to be a danger of any serious magnitude; but such as it is, I see no way to avoid it.

XX. None by which it can be wholly obviated. It might be moderated by giving precedence to country causes; and by strict adherence on the part of the judges to the rule of not allowing a cause to stand over for the convenience of counsel, to the great inconvenience of suitors.

XXI. It is not.

XXII. 1 and 2. By both expedients I should recommend the appointment of one additional examiner (if examiners are to be), and of such number of special examiners as the Lord Chancellor shall from time to time consider requisite, to be selected as suggested in No. 2.

XXIII. No, it should be general.

By G. B. Gregory, Esq., Solicitor.—May 9, 1854.

I believe the present system of taking evidence, although a great improvement on the old practice, and, as I believe, very ably administered, is necessarily open to all the objections pointed out. I also attach great importance to a Judge who is to decide a cause having the witnesses before him. Independently of the demeanour of a witness, and the manner of giving his evidence, I think it very desirable for the Judge himself to have the opportunity of examining a witness. It frequently happens that counsel may have some apprehension of putting an important question to a witness, or in conducting an examination on several points may forget one or two of them; but a Judge, whose only object is to elicit the truth for his own satisfaction, would in all probability ask any question material to the issue which might be omitted by counsel. Again, it not unfrequently happens that counsel conducting a case take a different view of the issue to be decided from the Judge and shape their case accordingly. It is obvious that this would be peculiarly prejudicial in the case of taking evidence under the present system, as the counsel in examining the witnesses might have directed himself particularly to one point, while the Judge at the hearing might decide the case upon another.

As regards the practical mode of remedying the present defects by the witnesses being examined before the Judge at the hearing, I do not see much difficulty in it. In all probability the examination would be confined within a much narrower compass, and under the direction of the Court what was material only to the issue would be elicited. It might perhaps be desirable to have a short-hand writer attached to the Court, who could furnish copies of the evidence to the parties, and I think they would be less expensive than the present system.

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With respect to the appeal, I would suggest that any party appealing in a case upon evidence, and not merely upon the law, should make a special application by motion, stating his objections to the evidence, and his grounds for it, as is done in the case of a new trial at law, and that the Court of Appeal, if satisfied with such objections should grant the application, limiting it either to a re-examination of the particular witnesses, or going into the evidence *de novo*, as they might consider legitimate.

With regard to keeping witnesses in attendance, I am afraid there might be some inconvenience. I can only suggest that the Judges should adhere rigidly to the system of not letting any other business interfere on days appointed for the hearing of causes, and that they should request counsel and solicitors to let them know, as far as they can, the probable duration of the respective causes, so as to arrange their papers accordingly.

I may, perhaps, be allowed to add that I see great objections to the system of affidavits on any question of disputed facts, and think that for anything but consent, or of course business, they should be altogether done away with.

Messrs. Stretton
and Postans.

By Messrs. Stretton and Postans, Solicitors.—May 10, 1854.

I. 1. He has power to state objections raised before him to relevancy ; giving greater power would, in many cases, have the effect of shutting out evidence.

3. The examination is sometimes hurriedly taken down (most frequently badly copied), the language of the witness not used, but the supposed effect, which may be the wrong construction ; and we have found just the opposite statement appearing on the depositions to that which was intended.

4. Hesitation—a smile—emphasis,—cannot be conveyed by writing down the evidence, whether as a narrative or in any other form, nor any other of the modes adopted to give force to expressions, or by which truth is tested.

II. We consider that the above defects exist, and that the first three are greatly enhanced from the examiner being but imperfectly acquainted with the questions at issue. We suggest an examination of witnesses in Court by the tribunal who has to determine the questions in the suit.

III. The examiner being necessarily but imperfectly acquainted with the case or the questions raised, an appeal would be indispensable.

V. No ; there must be much delay and expense.

VI. Of course it would as to those witnesses to whose evidence the objections were taken. See observations above. It should be one tribunal to *examine* the merits, and *determine* on them.

VII. This is so.

X. See XV.

XI. If the evidence is to be taken down in writing, as at present adopted, question and answer is the only correct way, and that of giving the best information of what the witness says and means, but it no doubt would be very expensive and consume much time, and cause great waste of time, as they must be all done again (by reading) at the hearing.

XIII. No.

XIV. Quite practicable as at law.

1. and 2. In all cases, except pure matters of account, where the production of vouchers would constitute the entire evidence, but including conflicting cases of account.

XV. The appeal should lie on the reception or rejection of evidence, and on the effect of that evidence (taken down by the Judge and counsel on both sides), and on the law and principles applicable, in fact assimilating the practice at law ; the case would be referred back or not.

XVI. If the Court of Appeal thought necessary, the witnesses might be examined before them, that would be a sufficient safeguard.

XVII and XVIII. The practice might be assimilated to that of law.

XIX. It would not be practicable to prevent these inconveniences in such cases.

XX. The obvious mode is that of appointing a small number of causes for each day, or classifying them as short and long causes, according to the probable number of witnesses, &c., to be ascertained before same appointed to be heard.

XXI. The examination in a cause, when once commenced, should be taken *de die in diem* until completed ; the cause would then be ripe for hearing, and each in turn would be heard instead of as at present ALL being kept back.

XXII. No special examiners, they would have the disadvantage to themselves and suitors of constant ineptitude ; the duty of a permanently appointed officer would be more efficiently performed.

By Charles Hall, Esq., Barrister.—May 10, 1854.

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Charles Hall, Esq.

I. 1. I think that the examiner should not have the power. The attempt to exercise the power would lead to discussion on the merits during an examination. The examiner's suggestion whether it *can* be material is, I think, in practice ordinarily a sufficient check.

2. I think that the examiner should have this power; without it there would be no limit to the description of evidence which would be given.

3. I think that the evidence should be taken down in the form of question and answer.

4. I think that the demeanour of the witness is not often of importance. I think that the examiner should have power to observe on the way in which a witness gave his evidence.

5. So far as my experience goes I am not aware of this objection.

6, 7, 8. These are evils which require remedy.

10. This is an objection, if it exist, (as to which I have no experience,) which should be remedied by a scale of charges for attendance.

II. I think that the examination of witnesses before any other than examiners of standing and experience objectionable; country examinations are, I think, very objectionable. They often take place before parties quite unacquainted with the rules of evidence. In a case within my experience three special examiners in the country were appointed at different places. The examination of one witness lasted more than a week, the principal part of the time being taken up with objections which the examiner was wholly unable to deal with. The result was that the party who obtained (as I believe unnecessarily) the appointment of the three examiners, wore out his opponent. I think that if examiners are to be continued, an additional number should be appointed in town. I think that all formal proofs of documents, deaths, and other matters of pedigree, should be dealt with on summons, so as to throw on the parties requiring formal proof the costs occasioned thereby.

III. I think such a power would be requisite.

IV. I think that an immediate appeal would be requisite. To wait until the hearing would be a great waste of time and money. I have already stated that I think the examiner should not have the power. The discussion on the materiality would often destroy the fruit of the examination by disclosing the way in which particular answers would be applied.

V. I think there might be many such appeals, and that the mode of appealing would be practically most inconvenient.

VI. I think that a re-examination would often be necessary. The exclusion of evidence offered on behalf of one party regulates the other party in the offering of his evidence, and in his cross-examination. The merits would certainly come under discussion most inconveniently.

VII. This question is, I think, well founded. The party conducting the examination can alone know the materiality of the question he puts. It seems to me necessary to leave this in his hands, subject only to the check afforded by observations from the examiner, and to the check mentioned in the eighth question.

VIII. IX. I think this affords the best check the case admits of.

X. I think that the party should be able to appeal at once from the examiner's ruling as to the non-admissibility of evidence.

XI. I do not think that the bulk would in many cases be so great as to create inordinate expense.

XII. I think not. I think the cases are rare in which the demeanour is important.

XIII. See 4, Question I. The observation of the examiner would probably in some cases lead to the *vivâ voce* examination of the witness in Court.

XIV. I think it better to try to improve the present system. I think that *vivâ voce* examination would occupy a great deal of time, and render additional Judges necessary. I do not well see how to classify cases so as to distinguish them.

XV. I think that a re-examination would not ordinarily be necessary, the Court being furnished with copies of the short-hand writer's notes of the evidence, the Court having power to call any particular witness.

XVI. I think it would; the Court having power to call any particular witness.

XVII. I think that one additional Court would probably be necessary.

XVIII. An appeal to the House of Lords might, I think, be upon the existing evidence in the Court or Courts below.

XIX. I think there would be great difficulty in appealing on new *vivâ voce* evidence. It would be, in effect, giving a new trial in every case, and be open to the objection of the evidence being patched up in every case.

XX. I cannot suggest any remedy for this.

XXI. I think not.

XXII. I think additional examiners the best remedy. The appointment of special examiners is open to the objection that those best qualified are ordinarily too much occupied to accept the appointment, and this objection would, I think, apply to the appointment of examiners to act in rotation.

XXIII. I think that the cross-examination should be so limited.

By W. Histop Clarke, Esq., Barrister.—May 10, 1854.

I. 1. I do not think this an objection. If the examiner was clothed with the power referred to, it would in fact constitute him the judge in those causes in which the decision turned upon the evidence only, and thus an inferior officer would perform a function which the suitor has a right to say should be exercised by the Court.

2. What is evidence is often a matter of great nicety, and I think that the Court alone ought to exercise judgment on the admissibility of evidence.

3. I do not think this a substantial objection. It is quite possible, I think, to convey to the Court the effect of the examination in the narrative form, if the examiner is only careful to ascertain what the witness means, and to take down the examination in the words of the witness.

4. The cases in which it is desirable that the Court should see the demeanour of the witness are few. In such cases this objection, I think, well founded. It might to a great extent be obviated by making it imperative on the examiner, at the suggestion of any of the parties or at his discretion, to direct the attention of the Court to the demeanour of a witness, by a note in his examination, so as to enable the Court (should it think fit) to have the witness re-examined before it.

9. I do not think this an objection.

5, 6, 7, 8, 10. These defects I think exist. It occurs to me that they might be remedied wholly or to a great extent:—First, by making it imperative on every party before proceeding to examine a witness, to call upon his adversary to make admission, under pain of being mulcted at the hearing, of the costs, of everything proved which might properly have been admitted, or by giving any party a power to issue a summons in chambers before the Judge himself to whom the cause was attached, to show cause why certain admissions should not be made by his adversary, and upon that summons the Judge should decide what might be properly admitted. I believe a practice somewhat similar to this exists at Common Law. In the case of infants and married women, the Judge in chambers should have power upon a summons to say what should be admitted on their behalf. The effect would be to narrow the matters to be proved, and to confine the evidence before the examiner to the material issues only. Secondly, the party failing to keep an appointment before the examiner should be obliged, in first instance, to pay to the other side all the expenses actually incurred by reason of such failure (to be taxed in the usual way), subject to having such expenses dealt with by the Court at the hearing. Thirdly, by laying down a scale of expenses to be paid to witnesses, similar to what exists, I believe, at Common Law.

II. I have not observed any other defects.

III. In my opinion it would.

IV. The difficulty of such an appeal is a serious reason why the examiner should not be the Judge of what questions are material or relevant. The appeal, I think, should be by motion before the Judge to whose Court the cause is attached, before the evidence is closed.

V. It would not be practicable.

VI. I think that a fresh examination might become necessary, and I can well conceive that many cases would occur in which it would be necessary to enter into the merits of the cause.

VII. I think so. In cross examination, an immaterial or irrelevant question is frequently put to test something which the witness has said in his examination in chief, and which forms the groundwork for subsequent material questions.

VIII. Not entirely, but it is the best (so far as I know) which can with justice be adopted.

IX. See my reply to I. on the 5th, 6th, 7th, 8th, and 10th objections.

X. In my opinion most certainly.

XI. Most certainly. The mode of taking the evidence before the Masters, under the Winding-up Acts, in the shape of question and answer, has in my experience created inordinate bulk and expense.

XII. I think not.

XIII. See my reply to I. on the fourth objection.

XIV. I think it practicable in all cases; but then the staff of Judges must be quadrupled. Considering the nature of the great majority of cases which come into equity, it would be a waste of time to occupy the Court with the examination of witnesses in all cases.

XV. I think it would, provided the appeal was not in the nature of a rehearing, but strictly an appeal. I do not see why the practice which prevails in the judicial committee of the Privy Council on appeals from India, should not be followed. The oral examination in the Court below might be taken down and signed by the witnesses, and the depositions used in the Court above.

XVI. I do not think it would be safe to act upon the notes of the Judge in the Court below. The depositions of the Court below should be taken down by a competent officer under the direction of the Judge. I do not conceive it at all necessary that the Court of Appeal should see the demeanour of the witness.

XVII. I think not less than two additional Courts of Appeal should be constituted.

XVIII. The parties should be allowed to go from the Master of the Rolls, or a Vice-Chancellor, direct to the Lords; but if they went to any one Appellate Court, they should be obliged to go thence direct to the Lords.

XIX. I think not; and hence one of the great evils which I think would arise from allowing witnesses to be re-examined.

XX. I cannot.

XXI. I think not.

XXII. I think by the appointment of additional examiners. I think there should be no special examiner except in the case of a witness ill or about to leave the Country. It is the practice, I believe, in the Scotch Courts, to appoint special examiners on such occasions.

XXIII. I think it should. The liability of a person making an affidavit to be cross-examined generally, must deter many persons from coming forward to make affidavits.

Answers
Questions on
Evidence.

W. H. Clarke, Esq.

By Algernon Cox, Esq., Barrister.—May 10, 1854.

Algernon Cox, Esq.

I. 1. and 2. The examiner should, in my opinion, have the power of deciding whether the questions put to the witness are according to the accepted rules of evidence, but I do not think it advisable to give the examiner power to determine on the materiality or relevancy of the questions put. If the examiner is (previous to the question being put) to be incensed as to the object of counsel in putting the question, the witness, being present, would thereby be put upon his guard, and might answer the question so as to defeat the very object for which it had been put. The habit of witnesses to fence with questions when they think they perceive the bearing of the question is notorious, and though not often successful, it tends in a great manner to prolong the investigation.

3. I conceive that the true effect of the examination is very often not conveyed to the Court by reason of the examiner taking down the evidence in the form of a narrative according to his view (which necessarily must be limited) of the matters in issue. I would, therefore, suggest, that the evidence be taken down much in the same way as evidence given by reporters in a newspaper (that is, the answers or the substance of the answers, as nearly as possible, in the manner and order in which they are given, and not as a flowing narrative to meet the case as viewed by the examiner); and for that purpose it appears to me that a clerk or officer should be appointed to sit with each examiner and take down such answers,

The whole attention of the examiner is now taken up with composing and writing down his narrative, and it sometimes happens that a material answer is altogether omitted, or so transformed as not to convey its true meaning. The examiner, however, should take full notes, so that when the answers are read over to the witness previously to his signing them, the examiner might, by reference to his notes, correct any mistakes in the answers, except in the case where a witness is prevaricating or evidently fencing with the question. There does not appear to me to be any objection to the Court not seeing the demeanour of the witness, but I would suggest that the examiner should, in case of any witness prevaricating or otherwise conducting himself in a reprehensible way, endorse a note to that effect upon the examination, so that the Court at the hearing of the cause or other proceeding, might call for the re-examination of such witness *vide voce* in open Court. Such a power would, I think, enable the examiner to control a witness who otherwise might be inclined to set the examiner at defiance.

5, 6, 7, and 8. The examination should be continuous, and for that purpose I would suggest that a daily list should be published of the cases in which witnesses are to be examined, and the number of witnesses to be examined in each case. The list might be made out with reference to the number of witnesses to be examined.

9. I think that the examiner should have power to commit a witness for refusing to answer, subject to an immediate appeal to a judge in chambers.

10. I am not aware that such an objection exists.

VII. It is almost impossible for any person but the examining counsel to judge as to the materiality of a question, unless the case has been fully opened.

VIII. I think it is.

X. No; but at the request of counsel the question should be taken down.

XI. Yes; judging from the evidence as taken in a Committee of the House of Commons.

XII. No; except in the case of a dishonest witness.

XIII. By the examiner's note as suggested above.

XIV. In most cases it would be useless, and a mere waste of the time of the Court.

2. This may now be done at the hearing of a cause under the late Act, by order of the Court, and I think it might be beneficial in some cases, upon the certificate of *two* counsel, that the case was a proper one for the examination in open Court to allow an application to be made to the Court for that purpose previous to the hearing, so that the whole or part of the evidence might be taken orally in open Court.

XV. Yes; if the evidence was properly taken down, and a note made by the Judge when the witness had not answered the question in a manner satisfactorily to the Judge.

XVI. Subject to the above, I think it would.

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to Questions on
Evidence.

Algernon Cox, Esq.

XX. Not otherwise than by a careful selection of cases to be set out in a published list, as suggested above.

XXIII. I am of opinion that the cross examination of a witness upon any affidavit should not be limited to the matter of the affidavit, but that the same should only be controlled by the power of the Court to direct the costs of irrelevant evidence to be borne by the party occasioning it.

A. R. Steele, Esq.

By A. R. Steele, Esq., Solicitor.—May 13, 1854.

I. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10. I consider that all the defects pointed out as objections to the present system of taking evidence in the examiner's office exist.

II. 1, 2, 3. Other important defects also arise from the examination of the witnesses on all sides not being continuous, viz., the advocate becomes after the first meeting less alive to the important points required to be proved, and the statements of the witnesses are taken far more in detail than they would otherwise be, and difficulties occur in getting the production from the opponents, and even from witnesses, of documents which are necessary to be produced for examination and cross-examination, and much time is thereby wasted and expense unnecessarily incurred. The party whose witnesses are examined last, also, has an unfair advantage in having considerable time given him to hunt up witnesses to disprove the matters deposed to by the witnesses on the other side, instead of having ready before the commencement of the examination the witnesses on whom he relies to prove his case. I consider these observations to apply properly only to examinations taken in London, because before a special examiner in the country the evidence ought (under the 108th of the General Orders of 8th May 1845) to be taken continuously, though I believe that order is not always regarded.

III. IV. V. VI. VII. VIII. IX. X. I think that the examiner should not have power to decide upon the materiality or relevancy of the questions nor upon the admissibility of evidence, but should take down all evidence tendered and make a note against any which may be objected to, and then the Court on the hearing will be able to decide as to it, and as to the costs occasioned thereby.

XI. Certainly.

XII. In all cases where there is conflict of testimony.

XIII. I am satisfied there is none.

XIV. I think that all evidence in chief should be given by affidavit except in particular cases, in which the Court may otherwise direct that all cross-examinations should be *vivâ voce* before the Court itself, and that any party desirous of cross-examining a witness should be at liberty to require the party on whose behalf he has made affidavit to produce him at the hearing for the purpose at such party's expense, but subject to the party cross-examining bearing the costs thereof if the Court shall think fit; the re-examination also would of course be *vivâ voce*; I would allow the expense of counsel settling affidavits as costs in the cause, and would require them to be signed by counsel, who should be expected to expunge all clearly irrelevant and inadmissible matter. I am satisfied that if this course were adopted it would only be in a small proportion of cases that the Court would be troubled with *vivâ voce* examinations, especially at any length.

XV. XVI. XVII. XVIII. XIX. I see no insuperable difficulty in adopting the course of procedure at law in moving for and granting new trials; modifications and regulations might be made from time to time as might be found expedient by the judges.

XX. The number of judges should, if necessary, be increased so as to keep down all arrears in the cause list, in order that causes might be heard as speedily in Chancery as at law.

XXI. XXII. 1, 2. I think there should be no examiners unless for taking evidence in particular cases under special orders, or where witnesses are about to go abroad, or are likely to die, and such like.

XXIII. Certainly not.

Since sending, on Saturday, my replies to the questions as to taking evidence in Chancery, it has occurred to me that I should have added, that the evidence of witnesses who are hostile to the party requiring their evidence should be taken *vivâ voce* before the Court itself; but perhaps in such cases leave for the purpose should be obtained in chambers upon affidavit showing that the witness is hostile. Another course which might be adopted with regard to such witnesses would be, to allow the party calling them to have their evidence in chief taken *vivâ voce* before the examiner, and their cross-examination reserved till the hearing; this course might also be adopted as to all witnesses, and would, in my opinion, be a great improvement upon the present system, though not so great as having the evidence in chief given by affidavit. In support of my view that the latter is the best course, I would mention that the right of cross-examination *vivâ voce* operates as a great check upon persons making affidavits, and I believe that the cases have been very few in which parties have found it necessary to avail themselves of the right of cross-examination of witnesses who have made affidavits.

By Thos. C. Renshaw, Esq., Barrister.—May 13, 1854.

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*T. C. Renshaw,
Esq.*

III. I think it of great importance that any decision of the examiner on the materiality or relevancy of questions should be open to an appeal to the Court.

IV. and V. On either party expressing a wish, the decision of the examiner should be returned by him as reserved for the consideration of the Court, which may be had in the form of an adjournment of that matter of the examination for the Court, and the Court could then deal with the question, and, if proper, take the further evidence.

VIII. I do not think it is, where the parties conducting the proceedings are doing so with the view of increasing costs to be paid by their own clients if not obtained from the other side, or where the costs are likely to be borne by a fund which the parties having the management of the cause are not sufficiently anxious to protect.

IX. The best check in this respect would be the examination before the Court itself.

X. There should be an appeal by reservation or adjournment to the Court.

XI. It appears to me highly desirable that the evidence should be taken down in the shape of question and answer, and it is particularly important that such should be the case as regards cross-examination. The benefit would more than counterbalance the expense.

XII. In many (though not the majority of) cases it would be important that the Court should see the demeanour of the witness.

XIII. No satisfactory mode.

XIV. The evidence should be taken before the Court itself when either party requires it. The best mode of taking the evidence before the Court would be that a day should be fixed previous to the hearing for the purpose of taking the evidence. I believe that a similar practice prevailed under the old French law "*Coutume de Paris*" of taking the evidence before a member of the Court at what was called the "*Enquête*." Owing to the number and nature of the questions ordinarily argued in Chancery causes at the hearing of a cause, it would be highly inconvenient, as well in respect of the attendance of witnesses as in other respects, that the evidence should be taken at the hearing; but by having a fixed time exclusively devoted to taking evidence it might be taken by the Court without any unnecessary inconvenience or delay. The hearing should succeed the "*Enquête*," when there had been one, as rapidly as possible.

I do not think the cases where the evidence should be taken before the Court can, as a class, be distinguished from those in which the evidence may properly be taken before the examiner: they will best arrange themselves by the decision of the parties, and a controlling discretion of the Court. There are many cases where, as against infants and lunatics, satisfactory proof alone is requisite, without there being any contest of evidence. If, in a case in which the parties have not thought it proper in the first instance to have the evidence taken before the Court, it should be found expedient in the course of the examination before the examiner or commissioners that the demeanour of a particular witness should be seen by the Court, there should be an adjournment or reservation to the Court of the further examination as regards that witness, at least.

XV. and XVI. The necessity for this cross-examination must be left to the Court of Appeal, and should be strictly confined to the subject of the appeal.

XX. By examining them previously to the hearing.

By C. M. Elderton, Esq., Barrister.—May 15, 1854.

*C. M. Elderton,
Esq.*

I. I think that all the defects pointed out do exist, but I am not prepared to say that the practice in all those particulars should be altered; mischief greater than those removed might be introduced.

I will make a few observations on each of the points.

1. Unless and until the examiner shall be more fully possessed of the case intended to be established than he can be by a mere perusal of the bill and answer, and unless and until some unobjectionable mode of appealing from his decision can be devised, I think the examiner should not have the power to determine on the materiality or relevancy of the questions put. Had he such power, much evidence might, and I think would be, excluded, the materiality and relevancy of which would not appear until after the witness was discharged; and the ends of justice might thus be defeated.

2. I think the question proposed to be put, and the objection to its admissibility, should be taken down wherever evidence is excluded on the ground of inadmissibility, and that with a view to subsequent appeal; the object sought to be attained by the evidence proposed to be introduced, should be stated in writing by the party proposing to adduce it, and that such statement should accompany the depositions.

3. I have no doubt but that many illiterate witnesses sign much evidence, the effect of which they do not fully understand; and I know no way of entirely guarding against this, as they may equally misunderstand the question; but the safest way would, in my opinion, be to take down both question and answer.

4. This difficulty can never be wholly got over, unless and until the witnesses be examined in Court at the hearing; but an approximation to the desired end might. I

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think, be obtained by the examiner being *required* and not only authorized to state at the close of each witness's evidence what had been his demeanour, and the opinion he (the examiner) had formed of its trustworthiness.

5, 6, 7, and 8. These are in every respect great evils, and can in my opinion only be cured (under the present system) by increasing the number of examiners, and taking the *whole* of the examination in each case *uninterruptedly*, and taking all causes in rotation in the same manner as they are taken in Court, the examiners having the same power of postponing cases as the Judges have, and having certain days appointed for taking evidence in cases certified by *both* parties to be short.

9. The power of committal should, I think, be given.

10. There should, I think, be the same rule as at law whatever that may be.

II. Another defect, I think, arises from the examiner's taking down the evidence *proprio manu*. I think that by the appointment of shorthand writers to attend each examiner, who should take down the evidence under the control of the examiner, much time, and, in the end, much expense would be saved. Each shorthand writer ought to have such a number of clerks as would suffice for having the evidence ready for signature within a very short time after the examination of each witness was concluded. This course would, in my opinion, further diminish the evils stated in the paragraphs 3, 5, 6 and 7.

Another evil, as it seems to me, arises from the want of *solemnity* attending the taking of evidence. The examiner should, I think, be in costume, the witness should stand apart, and the Court should have less the appearance of a domestic forum than they now present. I am persuaded that there is much more importance in attention to these matters than may at first sight be attributed to them.

I have had no experience before special examiners either in London or in the country.

III. If the examiner had the power to determine on the materiality or relevancy of questions, I think the liberty of appeal would be indispensable, though how this could be given I see not; it would, in my opinion, lead to very great additional delay and expense, and I do not see how the difficulties pointed out under the IVth, Vth, and VIth heads could be met.

VII. I think this inconvenience, which I have already adverted to, would occur, particularly on cross-examination.

VIII. I think that all costs of all wantonly introduced irrelevant matter, as well as all the expense of ascertaining its amount, should be visited on the party adducing it; and I think that the apprehension of such a result would sufficiently check all wanton irrelevancy.

X. I think that, in the cases referred to, the parties should have the power of appealing; and it seems to me that this appeal might be made at the hearing of the cause, special days being appointed for such cases, and the witnesses whose evidence had been excluded being in attendance.

It is with a view of confining the appeal that I suggest, in my observations on the second paragraph of the first subdivision, that a statement in writing should be framed by the party whose evidence has been excluded, and should accompany the depositions.

I think that the evidence, if admitted, should be confined to the object so stated.

XI. As in the narrative form, the *question* must to a great extent be embodied in the *answer*, I do not believe that if the evidence were taken in the shape of question and answer, the expense would be inordinately increased.

XII. In the majority of cases, I think it unimportant. In most cases the certificate by the examiner, which I have suggested in my remarks on the fourth section of the first subdivision, would be sufficient, and that certificate would give the Judge hearing the cause greater facility in fixing upon the persons who ought to be examined orally at the hearing.

XIII. The certificate I have suggested would, I think, sufficiently meet this.

XIV. 1. As a general rule, I think this could not be done without the addition of at least two Judges, and

2. I think it should not be adopted as a rule in any cases or classes of cases; but when the examiner has been greatly dissatisfied he might, I think, advantageously certify his opinion that any particular witnesses should be examined by the Court, and I think such cases might easily be distinguished by the writs and record clerks, and be set down for special days.

XV. and XVI. I think a certificate from the Judge of the Court below of the demeanour of the witnesses, accompanying a shorthand writer's note of their evidence, would in every case be quite sufficient.

XVII. Unless there were an increase in the number of Judges hearing causes originally, I do not conceive that the appeal business would be so much increased as to render necessary additional Courts of Appeal. If all evidence were taken orally in Court, additional Judges would doubtless be required to hear the causes originally, and an additional Appeal Court would then, in all probability, be necessary.

XVIII. I do not believe that in either event the appeal business to the House of Lords would be materially increased.

XIX. I think that the inconvenience and mischief here pointed out would be inevitable were the Appeal Courts to re-examine the witnesses.

XX. I do not see how the expense could be wholly avoided; but having special days for causes in which evidence was to be taken orally would, I think, greatly abate the mischief.

XXI. The difficulty of procuring appointments, and the not unfrequent necessity of appointing special examiners, shows in my opinion that the present number of examiners is not sufficient for the transaction of the business confided to them with reasonable despatch.

XXII. 1. I think the proper mode of remedying this defect is to appoint additional examiners.

2. I think this course would be very inconvenient and very expensive, and that it would be almost impossible to work such a system.

XXIII. I think it should not be so limited, but that there should be the same check on irrelevancy as I have suggested in examinations in general.

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C. M. Elderton,
Esq.

By Nicholas Gedye, Esq., Solicitor.—May 18, 1854.

N. Gedye, Esq.

I. 1. No doubt this is so, but with the guard and power provided by 15 & 16 Vict. c. 86, sec. 52 (especially as to costs if searchingly entered upon) this reservation is proper for the safe administration of justice under the present machinery for taking evidence. The power to determine upon so vital a principle in the hands of any but the most able and experienced examiners must prove abortive as to economy, and fatal to the ends of justice; as no examination of any moment would terminate without references to the Court, having the effect of creating delay and expense. There can be no doubt either that generally the suggestion of the examiner as to what would be a proper and regular course (if *really* a proper and regular one) would be followed by the parties conducting the examination, and hence all contest from a hostile decision by the examiner avoided.

2. The inadmissibility of evidence should not, I conceive, be in the power of the examiner. The present power seems to be assumed rather than conferred, indeed there would appear to be no such power which is exercised by the examiner, and the exercise of such power has an injurious effect. The strict rules of evidence, when even accurately determined, are often destructive of justice, and require perhaps cautious legislative relaxation (a formidable and perilous course no doubt). A capricious or incompetent decision upon such rules would, however, be a great aggravation of the evil. Some of the observations in my answer to question No. 1 will apply to this answer, the nature of the subject matter being very nearly identical.

3. I doubt this, and I doubt whether in effect the attainment of any other mode than a mangled narrative would, even with a difference of form by question and answer, be practicable, because a witness so often replies to the several questions conditionally or argumentatively, and generally in his own mode and words of narration of the fact deposed to, especially if important.

The witness's own words, most closely followed when his situation in life is known, are, too, of value to those who have to estimate the importance of his testimony; then the loss of time, the addition to the length of the examination, and the consequent expense would be considerable. This is augmented uselessly frequently, *i. e.*, a very long question is asked, receiving a valueless answer, and most probably the matter involved in this would not have been seen in the narrative form, but would appear in the other form.

This last objection would much more frequently apply to examinations in chambers than in open Court at Nisi Prius, and how often are a tedious question and a rambling answer even there thrown away!

4. I cannot believe that any person accustomed to take part in the administration of justice can doubt the existence of this difficulty, nor that the remedy lies in aught but the total extinction of the present system. In fact, this is the pivot upon which the whole subject turns, and there is no disguising it. This may not be the place to discuss the question, but certainly amend the machinery of the present system in every way possible, yet at last the desideratum for the just appreciation of testimony must be recognized, *viz.*, that the Judge who has to weigh and decide upon nearly balanced conflicting evidence affecting the vital interests of suitors, should preside over the examination of the witnesses, and so be able to observe the demeanour of the witness, and the clearness, or confidence, or hesitation, with which he gives his evidence.

5. This, too, is palpable. One remedy might perhaps be found (irrespective of all expense of witnesses) in the following course, *i. e.*, finish the examination, cross-examination, and re-examination of a witness prior to advancing a step beyond the witness in hand; the remedy as to expense and delay lies nearer at hand perhaps than at first sight appears. The examination of one witness—how simple in ninety-nine cases out of a hundred this is—let the thing be done in earnest, as at Nisi Prius. Let examiners do what Lord Chief Justices, Lords Justices, Vice-Chancellors—in fact, all Judges of the Superior Courts so often do; hear the *matter out*, for the better and more speedy and economical administration of justice, *one witness* could then be examined in every *ordinary* case without adjournment. But the truth is, in this lies “more than meets the eye.” Great functionaries and learned personages engage their best energies, yield their devoted

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attention, to the administration of justice—exemplified by their unwearied and laborious efforts, and their cheerful perseverance to hear out a cause, or to complete a branch of a suit, or to complete the examination of a witness. Not so functionaries of a different class—five hours or less, as an average, are sufficient to make up a day for them, whereas eight or ten hours in Court and out of Court are occupied by the Judges; and where a Judge has the relaxation of a day beyond the usual holidays, the former enjoy many days. These lucky days arise in a wonderfully mysterious manner, but they do arise practically, and it must be observed and felt by all. Many among the Taxing Masters, Registrars, and Clerks of Writs and Records form an exception, no doubt, and there are other officers oppressed with heavy duties, and who devote themselves laboriously to the execution of those onerous and heavy duties,—I mean the chief clerks of the Court appointed under the recent statute 15 & 16 Vict. c. 80. If the time of actual employment of the examiners, for instance, were compared with that of the Judges of the Chancery or Common Law Courts, or that of the chief clerks throughout the year, it would be found that the difference would be almost incredible. Why should this distinction exist? Either there must be a system of overworking in the one case, or underworking in the other, even as to the number of hours of employment of these several officers without reference to the Judges.

Whatever were done for the expeditious, economical, and satisfactory dispensation of justice without some considerable amount of improvement in these respects, the clog and tax upon business arising from indifference, supineness, and superciliousness in the officers, (too often, I fear, to be found), would fasten upon the wheels of the machinery of the Court, and divert and retard their movements.

The disparity between the time occupied in Court and out of Court in the dispatch of business, having regard to the comparatively unimportant nature of such latter class of business, can only be well understood by those whose duty it is daily to engage in the prosecution of such business.

6. The fact being obvious the remedy need only be found. Every cause should, in taking evidence, follow the usual rule of the same cause at the hearing, *i. e.*, be completed before another is entered upon. The observations upon question 5 may bear somewhat upon this.

7. The remedy will follow the last answer. The answer that other witnesses will be waiting is, at last, but a suggestion of one of two evils—expense to the suitors in one of two causes with the grave objections superadded in a postponement to a distant period.

8. If this difficulty exists, one could suggest a remedy perhaps not very obscure. Let such actual evidence be necessary for the postponement of an examination that is necessary for the postponement of the trial of a cause at Nisi Prius, let the party creating the delay in all cases bear the costs of the day. Let two or more causes at least be always in the paper, and so in some measure guard against the total loss of a day.

9. The power to commit could scarcely be intrusted to examiners not profoundly conversant with the rules of evidence, and rules of privilege from answering particular questions. The Judge could be empowered to determine the question by an adjournment of the matter. Its importance would cause the matter at chambers or in Court to be speedily determined. This is a matter of very rare occurrence when the whole number of causes is taken into account.

10. This could only arise from the examiner being unacquainted with the legal allowance. There ought not to be the slightest difficulty.

11. I have already observed upon such matters, which may render observations here almost unnecessary. It always occurred to me that an examiner charged with the high duties of examination of witnesses in London should have had previous experience in the conduct of such matters.

I think also that, at all events, one or more of the examiners should be an experienced Common Law practising barrister, to afford opportunities and advantage of conference between the examiners upon any difficulty. The number of examiners should be increased, and they should act under one roof, and they should take causes appointed for the day alternately, and by such means prevent the loss of time.

III. Most certainly. It not being forgotten that I should be disposed to think the power a most dangerous one.

IV. On the conclusion of the whole examination, or otherwise, there would be no end of appeal and no certainty of proceeding.

V. Last answer.

VI. No doubt a fresh examination of witnesses might be necessary, but so would it be in any case,—if, for instance, the appeal were to be made in the stage of the examination in which the question arose, the aggregate of delay and expense would be still further augmented.

VII. Certainly.

VIII. and IX. Having reference to my answer to No. 1 of the first set of questions, I think so.

X. The appeal should, in my judgment, assimilate with that referred to in No. 4.

XI. Yes, I have no doubt of this, besides the other evils which I have ventured to suggest in my answer to No. 3 of the first set of questions.

XII. Perhaps it is not exactly material in the majority of cases, but of the last importance in many, and I would suggest at all events the means of permitting parties to obtain the decision of the Judge at chambers when such a course should be pursued as to afford the opportunity.

XIII. None whatever that might not be likely to aggravate the evil.

XIV. I do think it practicable in all cases; but I should humbly suggest that the change should be first made under the suggestions in my answer to question XII.

In fact, at first leaving the decision with the Judge *at chambers* to decide upon the actual merits of each application.

XV. When the appeal is upon a question of fact, certainly not; but then, when this is the nature of the appeal *all* of the same facts might not be the subject of appeal. The parties appealing from any fact unnecessarily and absurdly, so might be instructed for the future by the costs which they might be ordered to pay.

XVI. If it be safe now, so that the judges shall decide upon the notes of the examiner, how much more safe to entrust the Court of Appeal with such a power, considering the tribunal before whom the evidence will be given! Still even here one doubts, because only of the overwhelming advantage which would then be given to both Courts, and neither could dispense justice with the same satisfaction in the absence of the same opportunity. The alteration would appear to necessitate its application to Courts of Appeal out of the House of Lords.

XVII. At first, I doubt whether the Lord Chancellor's Court and the Lords Justices' Courts, sitting so often as they do apart, would not be sufficient to meet the change.

I say this principally from the fact that the check of despatch must come to the courts in the same proportion that it would affect the Courts of Appeal.

If the number of the courts were increased, then the number of the Appeal Courts should keep pace in the same proportion of increase as the present Courts of Appeal do to the Courts.

As a general result, I have no doubt that oral examination of witnesses before the Court would have the effect of lessening the number of witnesses by more than one-half.

XVIII. The hearing upon the facts, I humbly think, should go no further than the Courts of Appeal. The Lords do not rehear facts (by way of appeal) which have been found by juries in causes.

XIX. The exact question arises daily at common law. It could not be prevented without the evil outweighing the good. Costs should be given or withheld with reference to all these points.

XX. I have based my views upon a partial resort to the oral examination before the Court. It does not appear to me practicable to materially alter the Chancery Law procedure, except that the Courts might fix the number of causes always with special reference to all the circumstances, *i.e.*, issues to be tried, probable number of witnesses, places of residence, &c. &c.

XXI. No; by both means.

XXII. No; by both means.

XXIII. It should not for many reasons; one, because all knowledge that no cross-examination could proceed upon any other matter would lead to an injustice by a mode of framing the affidavit, *i.e.*, restricting it to a particular point favourable to the litigant in whose interests the affidavit is made.

FURTHER OBSERVATIONS.

I would, with much deference and humility, offer one or two remarks upon the practice of the Court generally.

1. That every Act and Order regulating the practice the Court should be abolished and substituted by a single Act and a single Order, in the nature of codification or otherwise. I will not offer a remark upon the embarrassment, expense, and delay arising from the multitude and conflict of the present Acts and Orders; this must be obvious to all. This amendment should precede all others, and no sacrifice could be too great for its speedy attainment.

2. That all evidence upon important issues of fact should be by oral examination before the court of witnesses within a certain distance from London, with power in all cases for such an examination to be ordered, after issue joined and before hearing; and to attain this, in the first instance, an application might be allowed to the judge as to proper cases for such hearing, as also by a classification of causes involving such issues, some arrangement might also be made for the hearing of unimportant facts at chambers, with all proper and ample powers of appeal. Some difficulties would arise as to country villages, and this will ultimately have to be met by adequate arrangement of country courts or otherwise.

No doubt, however, where one witness would be examined before the Court, three are now examined.

3. I would suggest that every suit instituted in the Court, whether in Court or in chambers, should be by the same proceeding, and that claims and summonses should be abolished; the former are only another name for bills, the latter do not give adequate

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redress—brevity, economy, and expedition are attainable by bill, and what objection, therefore, is there to this course?

4. Affidavits should, as much as possible, be restricted to interlocutory and uncontested matters, they only apparently economise, and are not often satisfactory as a means of contested evidence.

5. No suit should be marked before a particular Judge, the hearing is not now within the control of the suitors.

6. Counsel should be heard in any case where parties desire it at chambers; facilities for obtaining hearing of interlocutory matters before Judge at chambers especially.

7. In appeals (from Court to Appeal Court upon facts especially) power for Judge to determine amount of deposit, terms as to security for costs, &c., as a protection against vexatious appeals, delay, &c.

8. Large increase of facilities for taxation of costs. There is a great pressure in these offices.

G. Crafter, Esq.

By George Crafter, Esq., Solicitor, May 20, 1854.

1, 2, 3, 4, 5, 6, 7, 8, 9, 10. The system of examining witnesses by examiners and not by the Judge who tries the cause, is in my opinion altogether faulty, because the value of evidence cannot be fully appreciated without seeing the demeanour of the witnesses.

Any new plan of taking evidence in Chancery should, I consider, have for its fundamental principle the oral examination of witnesses in the presence of the Judge who tries the cause, and should be formed with a view to a gradual assimilation of the procedure in Courts of Common Law and Equity, so as ultimately to abolish the absurd distinctions which now exist.

All the objections enumerated, except the 10th, I consider exist.

I am not aware whether or not the tenth objection in fact exist, but if so, it might be obviated by an assimilation to the practice at Common Law, which enables a witness to demand only a reasonable sum. See *Newton and ux. v. Harland and others*, 9 Dowl. 16.

XII. Decidedly.

XIII. No.

XIV. In *ex parte* applications and in cases of administration, &c., it would be rarely necessary. In all cases there are many matters which may be proved by affidavit; but where any substantial fact be disputed, I think it of the utmost importance that the witnesses should be orally examined in Court.

XV. Yes, in some cases. It would only be necessary to re-examine the witnesses if the judgment were appealed from as being against evidence; but where the appeal rested upon matters of law only, it would not be necessary.

XVI. On appeal too, the re-examination might, in some cases, be confined to particular questions of fact, the Judge's notes being received in respect of the evidence as to all other facts.

XIX. I do not see that there would be greater difficulty in the case proposed than in the case of the new trial at Common Law.

XX. By careful attention to the appointment of causes for hearing, causes might be fixed for a particular day, in a similar manner to special jury cases.

W. H. Torriano,
Esq.

By W. H. A. Torriano, Esq., Barrister, May 22, 1854.

I. 1. I do not consider this a valid objection. The examiner ought not to have such a power.

2, 3, 4, 5, 6, 7, 8. I consider that the defects pointed out in these paragraphs do exist.

9. I think this no valid objection. It would be dangerous to give such a power. I am not at all disposed to increase the power of the examiners.

10. I have no knowledge as to this.

II. The examiners conduct the case as if it were a trial at *nisi prius*, requiring plaintiff to begin and finish his evidence before defendant begins his case. This may be convenient, but I have always doubted whether it was the intention of the legislature to make such an alteration in the old mode of examining witnesses.

III. Yes.

With reference to all these questions from IV. to XIV. inclusive, I have one general remark to make, namely, that the inconveniences and difficulties are so great and numerous, that either a return must be made to the old system of taking evidence, imperfect and unsatisfactory as it was, or a further step must be taken in advance, and *viva voce* evidence in Court, either in all or in important causes, must be taken.

Subject to this general remark, I have answered the particular questions.

IV. Immediately upon motion showing the point complained of.

V. This is possible, and the delay and expense would be considerable.

VI. Yes.

VII. Yes.

VIII. I think so, if the Court were empowered to fix any amount without taxation.

X. Yes.

XI. I think only in very heavy and contested causes.

In courts martial, the questions and answers are all taken down.

The objection which I feel to such a course in Chancery, arises from the additional delay occasioned by such a mode of taking evidence.

XII. Yes.

XIII. No. I should not be disposed to take the examiner's note or report as to this.

XIV. I think it would be practicable if the number of Judges were increased. There would be many cases in which neither plaintiff nor defendant would require *vivâ voce* evidence.

XV. XVI. The appeal would never be completely satisfactory without a re-examination of the witnesses orally before the Court of Appeal; but this course would be so expensive, that I should be content to entrust the Court of Appeal with the power of deciding upon the notes taken by the Judge in the Court below.

In some of our colonies, evidence is taken *vivâ voce* in the Court below in equity. Possibly the Appeals in the Privy Council may furnish information as to these questions.

XVII. In the present state of Chancery business, I think not. How long that state may continue I know not.

XIX. I think it would not be practicable to prevent these consequences effectually.

XX. I cannot.

XXI. No.

XXII. I should prefer additional examiners to special examiners.

XXIII. I should say that the cross-examination ought not to be so limited, especially in matters involving fraud, or supposed suppression of material facts, assuming that the practice of cross-examining such a witness ought to be allowed at all, as to which individually I have great doubts.

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*W. H. Torriano,
Esq.*

*By Alfred Hall, Esq., One of the Chief Clerks to the Vice-Chancellor Stuart.—
May 24, 1854.*

Alfred Hall, Esq.

I. As to the objections stated to exist,—

1. I think it is desirable the examiner should have the power. See my answer to question 4.

2. I do not consider this a defect.

3. Nor this.

4. This, if a defect, involves the question of taking evidence in all cases orally before the Court.

5, 6, 7 and 8. I think these are objections. I am aware it is extremely difficult to find a remedy, but I would venture to suggest the examiners should keep a rigid control over the appointments, and take care, as much as possible, to make them continuous. I think when an application is made for an appointment the solicitors for all parties should furnish to the examiner a list of the witnesses each intends to call, and an abstract of the evidence intended to be adduced, and should state the probable time that will be occupied. The most efficacious remedy to prevent loss of time and delay would be to have a list of the examinations and take them in turn, as in a cause paper—the expense of detaining witnesses in London for an uncertain and indefinite period is an objection, although not perhaps so great as the delay occasioned by the present system.

9. I do not think the examiner should have the power to commit, but I think he should certify the question and refusal to the Court to be dealt with as may be right.

10. The examiner should have the power to fix the expenses to be paid, if required by the witness to do so. If a reasonable sum were tendered to a witness, and he neglected to attend or refused to give his testimony, he should be subject to all the consequences of such refusal.

II. The principal defect with which I am acquainted in the working of the present system is the delay it occasions in the progress of a cause. Applications are constantly made before the Judges at Chambers to enlarge the time for closing evidence on the ground of not being able to procure an appointment in the examiner's office. Further than as herein may appear in these answers, I am unable to suggest any remedy.

III. I think there should be an appeal to the Court.

IV. I would suggest that the examiner might make a certificate as to the question he refused to allow, on which the matter might be brought before the Court, either by motion, or in such other way as the Court might direct, within a limited time, if not brought before the Court within that time the matter to be considered as abandoned. The examiner's certificate might be filed at the Report Office.

V. It would be desirable that the examiner should include in the proposed certificate as many questions objected to as possible. I do not think there need be much delay or any great expense. If the appellant in every case of failure had to pay all the costs it would greatly tend, I consider, to prevent the appeals.

VI. This is doubtless the case, but I apprehend the fear of costs would prevent unnecessary appeals.

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VII. Certainly ; and therefore it is of importance the examiner should have the power of deciding on the relevancy of the question.

VIII. and IX. The costs of the irrelevant evidence alone may be trifling, and not sufficient of themselves to create the required check, but I think in most cases the fear of the costs of an appeal to the Court would be enough.

X. There should be the appeal mentioned in the question—the course might be the same as that I have ventured to suggest as to relevant and irrelevant questions. The examiner should certify to the Court the question put and the refusal to answer, so as to prevent the Court being burdened with any discussion as to what the question was.

XI. The bulk of the evidence, if taken down in the shape of question and answer, would no doubt be increased, but not so, I apprehend, in most cases as to create inordinate expense ; it might certainly in some cases do so. I have, however, no hesitation in saying that the form of a narrative is the best, as most readily conveying the meaning of a witness as being taken down as easily as by question and answer, and as preventing the depositions being loaded with a great deal that is unnecessary by way of preparatory explanation to a question.

XII. This is a most difficult question, and involves, as it appears to me if answered in the affirmative, the necessity of having all the evidence taken orally before the Court. Upon the best consideration that I am able to give to the subject, I come to the conclusion that it is not advisable in every case, or even in the majority of cases, to have the evidence taken orally before the Court. At present the Court, if it thinks proper, can have witnesses examined before it, and to the discretion of the Court I would leave it. To have an oral examination in every case, or even in the majority of cases, would entail very considerable expense in the detention of witnesses in London, brought perhaps from a distance, and a greater amount of time consumed in the hearing of a cause.

XIII. I cannot.

XIV. See my answer to No. XII.

XV. and XVI. If it is advisable to have an oral examination in the Court below, it must be equally so before the Court of Appeal.

XVII. I am unable to answer this question.

XVIII. I cannot answer this.

XIX. I apprehend it would not.

XX. I cannot. It seems to me a necessary consequence, and as stated in my answer to No. XII., the expense occasioned by the bringing to and detention in London of the witnesses is, in my opinion, a great objection to oral examinations generally before the Court.

XXI. I think not, judging from the many applications in the Judge's chambers to enlarge the time for closing evidence, the grounds of the applications being the difficulty of obtaining appointments from the examiners.

XXII. Best, I think, by the appointment of additional examiners.

XXIII. I think it should.

E. J. Bevir, Esq

By E. J. Bevir, Esq., Barrister.—May 24, 1854.

Before answering any of the questions in detail, I would observe that in my opinion it is necessary either greatly to extend the powers of the examiners, or to have the evidence taken orally before the Court, for it is clear that in any case where there is a conflict of evidence, or where the witnesses are unwilling or biassed, or where they prevaricate or otherwise betray a want of credibility, the Court does not, under the present system, possess the means of arriving at the truth. I venture to think that there are many reasons why the Court of Chancery should not be converted into a Court of *Nisi Prius*, and that, if the evidence were effectively taken in the first instance by the examiners, the purposes of truth would be fully answered, whilst the deliberative functions of the Judge would remain undisturbed. For these reasons I have not attempted to answer all the questions proposed by the Commissioners ; but I have directed my suggestions to the object of rendering the office of the examiners more efficient.

I. With regard to the objections to the present system of taking evidence in the examiner's office, pointed out by the first question, I consider—

1. That it is a defect that the examiner has no power to determine on the materiality or relevancy of the questions put. It is obvious that if he is to conduct the examination in a rational manner he must exercise this power to some extent, and discussions must, and even under the present system do, continually arise before him as to the more or less remote bearing of the questions put. I think, therefore, that it would be desirable to give him this power.

2. I think that the examiner should have power to decline to take down matter which he conceives to be inadmissible as evidence.

Note. I think that in both these cases there should be reserved some opportunity of appealing from or obtaining a revision of the examiner's decision as suggested below in answer to question III.

3. I consider that, in cases where the evidence is of an ordinary description, and where the value of it does not depend upon the exact expressions used by the witness, the

narrative form is the best, and that in such cases it should be retained. I have, however, more than once observed that the true effect of the examination of a prevaricating or biassed witness has been lost by the adoption of the narrative form, and I would suggest that in all cases the examiner himself should have the power to take down the very words of any witness, and that the counsel on either side should have a right to require him to do so.

4. This objection seems to me to afford nearly the only argument in favour of taking evidence orally in Court. I think, however, that it would be greatly obviated by having the very words of the witness taken down in all cases where the evidence is of a suspicious character, and by empowering the examiner to state upon the depositions any objection to the credibility of the witness which might occur to him in the course of the examination. Thus the evidence would come before the Court not only in the words in which it was given, but with a judicial stamp upon it, showing its value in point of credibility.

5 to 10. I think that all these objections exist, and that the best mode of remedying them would be by increasing the number of examiners, and extending their powers.

II. I have not observed any additional defect in the present system of examination in the examiner's office, except in the short hours which are at present observed there. If the number of examiners were increased I think it would be desirable so to distribute the business between them that the full office hours from 10 to 4 should be devoted to the examination of witnesses.

2. It strikes me that the examinations before a special examiner in London are objectionable—

1st. On account of the great expense it entails on the parties.

2dly. Because the special examiner, however competent in other respects, cannot have the experience or aptitude which I conceive are requisite for the office.

3dly. Because there is necessarily a want of solemnity and formality in conducting the examination at a barrister's chambers, which is likely to produce an unfavourable effect upon careless witnesses.

3. I apprehend that these objections apply to examinations in the country. I would recommend that the employment of special examiners be discontinued.

One other point has occurred to me in practice which strikes me as a defect in the present system—I allude to those cases in which a question of professional privilege arises. Unless the witness, being a professional man, takes upon himself the responsibility of demurring, the examiner, although he must state his opinion upon the objection, is still bound to proceed with the examination, so that in many cases the very object of the rule which protects professional communications would be defeated by the disclosure, although the evidence thus obtained might afterwards be rejected by the Court.

This seems to me to be a matter of much importance, and as it is a question not likely to occur very frequently, and when it does to be single in its nature, I think that the decision of the examiner upon it should be made open to appeal.

III. and IV. I think that if the examiner had power to determine on the materiality or relevancy of questions, the parties ought to have some means of obtaining the opinion of the Court as to the correctness of his decision. The difficulties in the way of an appeal pointed out by the V and VI questions are so great that I would recommend a more stringent use of the remedy which the late Act seems to contemplate. Let either party, who is dissatisfied with the examiner's decision, have the right to require that the questions objected to and the answers thereto be taken down verbatim; and let the party requiring this to be done pay the whole of the costs incurred by the examination of the particular witness, unless the Court on the hearing shall otherwise direct.

I think the same course might be adopted in cases where the examiner declines to take down matter which he considers is not evidence. This would in effect afford an appeal from an examiner without causing any delay in the examination, and under a check which, I think, would prove effectual to prevent trifling objections.

V. I apprehend it would not be practicable.

VI. Yes.

VII. Yes.

VIII. I think, as I have already said in answer to questions III. and IV., that if the rule, throwing the costs of immaterial evidence upon the party occasioning it, were made more stringent it would prove a sufficient check.

IX. I can suggest no other check.

X. See answers to questions III. and IV.

XI. I have already stated that I do not think it desirable to do away with the narrative form in simple cases. In other cases the bulk of the evidence would no doubt be increased by taking down the questions and answers; but I think that, under proper check in respect of costs, the advantage to be derived from it would more than compensate any increase of expense.

XII. I think that this would be comparatively unimportant if the examiner were directed to report to the Court any circumstances affecting the credibility of the witness, and his opinion thereon.

XIII. I have in my previous answers given my opinion upon this question. Unless the examiner is to be treated as a merely ministerial officer, I can see no reason why the

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Court should not adopt his judgment upon matters relating to the demeanour and credibility of the witness.

XIV. I think it would not be practicable, without an addition to the present number of Judges, that evidence should be taken orally before the Court itself in all cases.

I am unable to suggest any particular cases, or class of cases, in which it should be done, but I think that the Court should have the power as at present to require witnesses to be examined before it; and it may deserve consideration whether it would not be advisable, under some restrictions, to give the parties a right to apply for leave to have witnesses examined *vivâ voce* at the hearing, either by way of appeal from the examiner, or for any other reason which the Court might approve.

XV. to XX. I have not answered these questions for the reasons which I stated in the commencement.

XXI. I think the number of examiners is not sufficient for the transaction of the business confided to them with reasonable despatch.

Note.—In one case in which I was counsel the examinations were had on the following days:—24th November, 2d. and 9th December, 1853; 18th and 19th January, and 14th and 16th March, 1854. The interval from the 19th January to the 14th March elapsed between the examination and cross-examination of one of the witnesses. This was owing to the state of the business in the examiner's office, which prevented a continuous examination.

XXII. I think the defect would be best remedied by the appointment of additional examiners in London, as well as district examiners in the country.

I consider the appointment of special examiners to be selected in rotation objectionable, for I think that the duties of the office of examiner should be made of sufficient importance to occupy the whole time and attention of a competent and experienced barrister; and see answer to question II.

XXIII. I can see no reason why the cross-examination of the witness upon an affidavit made by him not to be used at the hearing should be more limited than any ordinary cross-examination, and I think that such cross-examination should be allowed to any extent that is relevant to the points in issue between the parties.

I feel great diffidence in offering the above remarks to the Chancery Commissioners; but as they have done me the honour to address their questions to me, I consider myself bound to answer them as well as I am able.

*J. W. Willcock,
Esq.*

By J. W. Willcock, Esq., Queen's Counsel.—May 27, 1854.

I. 1. I do not think this an objection applicable to a preliminary process of examination.

2. In my opinion he ought not to be permitted to exercise any such discretion.

3. The remedy which occurs to me is the employment of a responsible short-hand writer as the examiner's assistant, who should be bound to take down every word; I believe that this would obviate much discussion and delay, and save more expense than it would occasion.

4. It might be sufficient that the examiner should report his dissatisfaction with the demeanour of any particular witness, and for the Court thereupon, if requested, to cause such witness to be examined at the hearing. This is subject to my observation on question XII.

5, 6, 7, 8. These are serious objections, and to be obviated only by increasing the facilities of examination, and rendering it continuous.

9. I think it dangerous to entrust an examiner with that power.

10. I am not aware that this objection exists. If it does it should be removed.

II. See answer to question XXII.

III. I am decidedly of opinion that the examiner should not have power to determine on the materiality or relevancy of questions. If he were so entrusted the strictest correction would be necessary; but I fear that it is not possible to introduce a practicable system of appeal. It should be competent to the adverse party to object to the admissibility of the evidence at the hearing. Such appeals would introduce means of infinite delay and vexation.

IV. To diminish the force of the objection No. 5, it would be necessarily informal and immediate.

V. It would be inconsistent to limit the number of appeals. Fresh subjects of appeal might arise from the result of a former.

VI. Of course it would be necessary to have such examinations; and if the materiality of the evidence were discussed without the merits, the merits would often come to be discussed without the evidence; and the discussion of the merits would often suggest difficulties which might induce the fabrication of testimony.

VII. Certainly.

VIII. and IX. I doubt its sufficiency, but cannot suggest a better. Inasmuch as to exclude what might appear to the examiner immaterial or inadmissible might be to sacrifice the right to the remedy.

X. The examiner should be bound to take down such matter.

XI. I fear that the bulk of evidence would be increased, but time and expense would be saved in the examination, and continuity of examination might be better secured.

XII. It is occasionally, but rarely, material that the Court should see the demeanour of a witness. I consider it dangerous to trust any tribunal, except a jury under the control of a Judge and the correction of the Court in its power of granting a new trial, with the faculty of discrediting a witness on the ground of demeanour only. If such power is conferred on a Judge he should be bound whenever he decides against the evidence given, by reason of discrediting the witness on account of his demeanour, to state distinctly that reason.

XIII. None on which it should be at liberty to rely, except so far as it might be inferred from the short-hand notes of the very questions and answers.

XIV. I conceive that it is quite practicable, but that it would involve increase in the number of Courts and increase of expense to the suitors.

It is very difficult to suggest any classification of cases.

The only arrangement which occurs to me, unless oral testimony is to be adopted in all cases, would be to permit either party to require, by notice, that the cause should be heard on oral testimony before the Court, empowering the Court to deal with the extra expenses as it may deem proper.

XV. I think that it would, reserving to the Court of Appeal the power of requiring the examination before it of any of the witnesses examined in the Court below. There are grave objections to the examination of all the original witnesses.

XVI. I think that whether the witnesses are examined before the examiner or before the Judge, the notes of short-hand writers should be adopted.

I refer to my former observations as to the demeanour of the witness.

XVII. This can be answered only by experience. If the examiner is permitted to reject matter tendered in evidence, or the original witnesses are, as of course, to be examined before the Court of Appeal, I apprehend that it would be necessary to establish at least one additional Court of Appeal—otherwise I do not anticipate any such necessity.

XVIII. It does not occur to me that there would be any increase of appeals to the House of Lords, as I consider it impracticable to establish a useful system of appeal from the disallowance of evidence by the examiner; and I cannot permit myself to suppose that the witnesses would be further examined before that house.

XIX. These are substantial objections likely to occur, and some of those contemplated in my answer to question XVI.

XX. I cannot.

XXI. I think not.

XXII. Perhaps it may be prudent if the present system is continued, to appoint one or more additional examiners, and also to provide a list of competent subsidiary examiners.

XXIII. I think that the whole of the cross-examination should be admitted, otherwise the Court might decide the case contrary to the known facts upon what appears to me to be a mere technicality, as the party producing the witness has the right of re-examination.

By John Smale, Esq., Barrister, May 27, 1854.

John Smale, Esq.

The following answers and observations occur to me on perusal of the questions on the present system of taking evidence in the Court of Chancery.

I consider that all the points of objection to the present system of taking evidence in the examiner's office exist, although some of them only are "serious" defects, and I believe the only effectual remedy to be that all *vivâ voce* evidence should be taken in open Court before the Judge, in a manner as near as may be similar to the course pursued in trials *at nisi prius*.

A comparison between the procedure at Common Law and in Chancery has led me to the conclusion, that the truth is more likely to be arrived at upon the facts by a *vivâ voce* examination before the Judge who adjudicates than by any other mode of taking evidence.

It seems to me that if the option of having the evidence taken *vivâ voce* or by affidavit were left to the parties, as it at present exists under the recent orders in Chancery, and if on all occasions of taking the evidence *vivâ voce* the evidence were taken before the Judge in open Court, means might be adopted to restrict the cases to a smaller number, and to limit the issues between the parties on which it would be necessary to take evidence.

Either party should be at liberty as soon as replication is filed, to tender to the opposite party a statement of facts and documents for admission, and if admission is refused, the costs of proof, whatever the result of the suit may be, should fall on the party putting his opponent to formal proof, unless on special grounds the Court should see good cause to the contrary.

At the close of every hearing, but not before either party should be at liberty to produce the request to the opposite party, that the evidence should be proceeded with *vivâ*

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voice, and to show that such a course was unnecessary, and to obtain the extra costs of unnecessary *vivâ voce* evidence from the opponent, unless the Court should see good reason to the contrary.

I think that by these and other means of a similar kind, the cases in which *vivâ voce* examination before the Judge would be desirable, might be so investigated with the benefits which are admitted to exist at Common Law, but which must be as great in equity, whilst there would be such salutary restraints as would limit the cases to such as alone would require such a procedure, and as to save costs to suitors.

In aid of the Court, in cases to be expressly provided for, an official examiner might be appointed, who, on cause shown on motion in open Court, should be directed to go to any distant part of the kingdom or abroad to take the evidence in a cause; but he should take it after previous consultation with the Judge and subject to his instructions: and in taking the evidence, the examiner should have the same power as to evidence as the Judge himself would have at the hearing, and he should not only return the evidence, but be present in Court at the hearing, and assist the Judge with observations on the demeanour of the witnesses, or otherwise so as to place the Judge as nearly as may be in the same position as if the evidence had been given before himself.

The change which even under these restrictions would be made in the present practice, would not be very great, and I think it would not cause the occupation of the time of the Judge much more than the present mode of procedure takes.

Any change which would involve the taking of *vivâ voce* examination in Court, would not be generally acceptable to the profession. It has occurred to me a much less extensive change might be more acceptable. Let two additional examiners be appointed, and let one examiner be attached to each of the non-appellate Courts. This would remedy very many of the defects of the present system.

Now the defects in the present mode of taking evidence before examiners is open in many respects to objections of the same kind as those which were made to the proceedings before the master, such as the delays, the inefficiency of delegated power, and the general want of efficient control. These defects might be remedied in a manner analogous to that adopted when the master's offices were superseded by the proceedings at chambers.

It seems to me that all examinations should be carried on in the chambers of each Judge who is to decide the cause, by the examiner who is to be attached to the Court of that Judge and under his general control, to the same extent as the business which was removed from the master's offices is now under the control of the Judge. He should not only take the evidence, question and answer, verbatim, but note all note-worthy matters of demeanour, &c., and communicate them to the Judge, placing the Judge in as nearly the same position as possible as if he had taken the evidence personally. He should be in Court at the hearing.

But even if examiners were thus appointed, it would be desirable to control the labour by the same means as I have above suggested, in case *vivâ voce* evidence were taken by the Judge. It would also be equally proper that the examiners under this system should, on cause shown on motion, go to any place in England or abroad to take such evidence as could be shown to be better taken on the spot. The party making application in the first instance, at least paying not only the examiner's travelling expenses, but some deposit as a guarantee for the *bonâ fides* of the proceeding.

It might be found proper for the effectual working of such a plan, that some extra examiners should be appointed. These should be assistant examiners.

II. I have not observed any defects beyond those enumerated in question I., but I think the present system tends very much to embolden a witness who misstates or prevaricates. The tribunal is not so prepared upon the pleadings as the Court at the hearing would be, one counsel only (and that the junior only), is present to grapple with the witness and extract the truth, which at Common Law is held to be the most difficult task of the ablest advocate, and the comparative secrecy of the place where the evidence is given gives confidence to the witness who means to deceive in the story he tells. Examination in Court at the hearing is the only remedy of this defect.

III. to VII. It seems to me to be a defect inherent in the system, that the examiner should not have power to determine on the materiality or relevancy of the questions put. The evils of delay and extra expense, and risk of miscarriage incident to appeals, if the examiner had the power in the first instance to decide on the materiality or relevancy of a question, and the greater risk of excluding most important evidence if the examiner had such power without appeal would, in my opinion, be much greater than the defect that he has no such power.

Upon cross-examinations, the questions are usually put in a way so as to appear irrelevant, and in proceedings at *nisi prius* the discriminating powers of the Judge are sometimes tried to the utmost in determining the possible materiality or relevancy of questions which counsel step by step puts, leading up to the most important evidence. It is of constant occurrence at *nisi prius*, that the general merits of the cause are discussed fully, in order to determine the general relevancy of a question. Such a discussion could not advantageously be determined in the examiner's Court.

VIII. The power of the Court to direct the costs of irrelevant evidence to be borne by

the party occasioning it, is generally a sufficient check upon the unnecessary consumption of time by immaterial or irrelevant questions.

X. The examiner's office being circumstanced as it is, would be an improvement if he were bound to take down all such evidence as should be tendered to him within reasonable limits, and subject to stringent rules as to costs.

XI. It appears to me, that converting the question and answer into narrative greatly diminishes the value of the testimony, and that the bulk would not be thereby so much increased as to create inordinate expense.

XII. It is of the highest importance, when the decision depends on the value of conflicting testimony, that the Judge who decides thereon should see the demeanour of the witnesses.

XIII. I cannot suggest any mode by which, under the present system, the Court may be made acquainted with the demeanour of a witness otherwise than by his examination in Court.

XIV. It would, I think, be practicable that evidence should be taken before the Court. 1st. It would not be necessary in all cases. Examination before the examiner is now confined to comparatively a few cases; but if some mode of calling on the opposite side to admit certain facts at the risk of costs in any event of the cause as above suggested, were adopted, and with the general power of the Court to punish any improper conduct of the cause, the cases in which the Court would be required to take evidence orally would be greatly diminished; and secondly, oral evidence should be taken in no particular class of cases; but the question where it should be taken orally in each case might be previously decided upon discussion in the Judges' chambers.

XV. When the Court decides any cause upon oral examination of witnesses, it would be practicable to give an effective appeal from such decision without a re-examination of the witnesses orally before the Court of Appeal, by making the appellant and respondent join in stating a case containing all the facts admitted, and as to such facts as are not admitted, causing the evidence as to the disputed facts to be stated under the direction of the Judge from whom the appeal lies. The Appellate Court exercising its jurisdiction in extreme cases, as was done in *Martin v. Pycroft*, 2. De G. M. and G., 797, of rehearing all or such parts of the evidence as it should choose, and this power might be advantageously continued.

XVI. With the discretionary power just referred to, it would be safe to entrust the Court of Appeal to decide upon the Judge's notes, or upon the statement of evidence preferred in the way just suggested as proper to be made, without the Court of Appeal seeing the demeanour of the witnesses. Indeed much of the benefit derivable from observing the demeanour of a witness would probably be lost on a re-examination.

Questions causing appeals are very much more frequently questions of law or construction than of mere facts.

XVII. I do not anticipate that Courts of Appeal will ever be *required* to hear the evidence again, and with reference to the few cases in which they would, in their discretion, exercise their right to do so, I do not think that any additional Court of Appeal would be necessary.

XVIII. It does not appear to me that appeals to the House of Lords would be too much delayed by its possessing a power of occasionally examining witnesses; but in case of any danger of that kind the Court of Appeal might surely, on appeal, to the Lords, be entrusted with the power of finally finding any disputed fact, especially so as to exonerate the House of Lords from deciding mere questions of fact.

XIX. It does not appear necessary that witnesses who have given evidence in the Court below should be re-examined before the Court of Appeal, except in special cases in the discretion of the Appellate Court; but I do not think that if such evidence is gone into that it would be either practicable or desirable to prevent fresh evidence being given to meet particular points, in which the party may have failed in the Court below. The object is to elicit the truth; additional evidence tends to that, and altered testimony would be open to challenge as such. Both kinds of evidence have been given before the Court on motions by way of appeal from the master's finding, particularly in proceedings under the Winding-up Acts.

XX. I can suggest no mode by which the expense of retaining the witnesses in attending until their evidence is taken can be curtailed, except by proceeding in each cause *de die in diem* by greater stringency on the parties, and imposing on the party causing delay the costs of the delay.

XXI. The number of the present examiners is not sufficient for the transaction of the business confided to them with reasonable despatch.

XXII. This defect would be best remedied by a total change of system, as I have above suggested; but if the present practice is continued, no additional examiners should be appointed, but a competent number of special examiners should be appointed temporarily, to be selected in rotation, to be ready to take evidence in all cases on the spot where the majority of the witnesses reside, if that be desired.

XIII. A witness by affidavit should be open to cross-examination at any stage of the cause, precisely in the same way as a witness examined *viva voce* at that stage would be subjected to cross-examination.

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In conclusion I would remark that the mode of taking evidence at common law appears to be on the whole satisfactory, while that adopted in Chancery is on all sides admitted not to be so. It appears to me to follow that it would be an improvement to abandon the unsatisfactory mode of procedure, and in all changes to endeavour to adopt the satisfactory practice as far as practicable.

E. Weatherall, Esq.

By Edward Weatherall, Esq., Solicitor.—May 27, 1854.

I. I consider the present mode of examination much superior to that existing under the old practice, and I am satisfied that in one case a defence succeeded which would have failed but for an oral examination. It is, however, a new system, and I am of opinion that it has not as yet received a fair trial. The gentlemen of Chancery bar are not at present sufficiently skilled in a *viva voce* examination, although with a little experience they will be. The great objections now urged as still existing in the present mode of taking evidence in Chancery are, 1st, that the Court does not see the demeanour of the witness, and is therefore unable to form a true estimate of his credibility, and, 2dly, the great expense which is incurred under the new system over the old system.

The first of these objections I consider very important, and if it were practicable, as I think it is, to have the witnesses examined in Court, the present system of taking evidence would be greatly improved, and the practice of this Court in this respect would be as perfect as possible. The chief objection to this course appears to me to be, 1st, the extra time that each judge would have to give to the hearing of causes, and 2dly, the expense to the suitor which would be occasioned by the bringing of his witnesses to town. At present many witnesses are brought to town for examination unnecessarily.

Any one must see that the time of the present Judges is fully occupied between the Court and chamber business, and if therefore the present Judges were to attempt to take *viva voce* examinations either the hearing of his Court business or his chamber business, which I regard as a very great improvement over the old practice, must be neglected and get into arrears.

If the witnesses are to be examined in open Court on the hearing of the cause, I conceive there must be at least two more Vice-Chancellors.

The next question then is, would the examination at the hearing entail on the suitor a greater expense than the present system?—I think it would; but I do not believe it would be so much as at first is imagined.

In the present system much more is taken down by the examiner than would be taken down in Court, and the fees to counsel that are now necessary would be saved. In the first instance, a brief has to be prepared for counsel to examine the witnesses, this consists of statements of what each witness is known or expected to say, or what may be elicited on a cross-examination. The fee to counsel is regulated by the bulk of paper given to him and the time it is expected he will be occupied; besides which there is the attendance of the solicitor. All these expenses are thrown away and lost, for no part is afterwards used in the subsequent proceedings in the cause. The brief held by counsel on this occasion is discarded in the subsequent proceedings, and the fees on such proceedings are a loss to the suitor; but if a *viva voce* examination were taken at the hearing the whole as well as the attendance of the solicitor and the fees to the examiner, would be saved. Moreover there would be a very great saving of the time that is now consumed in the examination, for at present *all* the witnesses on *both sides* are examined, as it is not known the view that the Judge or leading counsel may take of the case or of the evidence when it is submitted to him, whereas if their views were known as they would be if the cause was proceeding in Court, not one-third of the witnesses would be examined, and those that were examined would not be at the length they are now. Let any one conversant with common law consider the number of witnesses that appear in the counsel's brief, but of whom very frequently not one-half are called, arising often by the course the Judge takes of ascertaining what material points are disputed, and what are not. This, however, reminds me that as connected with any alteration on this head the present system of taxation and allowance of costs must undergo revision. In a recent case of my own an examination in Court was adjourned from Friday till Monday, and counsel advised that witnesses should be got up from Liverpool to meet the case that was threatened by the examination that had taken place on Friday to be resumed on the Monday. Accordingly the solicitor left London on the Friday night for Liverpool, where he met his opponent, who had done the same, endeavouring to get up the evidence that had been anticipated he would produce; but it appeared he had failed in his attempt to get the evidence he alleged he would produce; for, on the Monday he called no witness, and an order was made in my client's favour with costs. Not knowing that the opponent would take this course, the solicitor brought up two merchants from Liverpool at an expense of 25*l.*, not one farthing of which was allowed because these witnesses were not examined. At common law an affidavit of the solicitor, or a certificate from counsel [see *Marshall v. Porsons*, 9 Dowl. Pr. Ca. 251.] would have secured an allowance of this payment; and at common law by a summons before the Judge, which costs only 2*s.*, and at the risk of paying only 6*s.* 8*d.* if I failed, the decision of the taxing master could be reviewed, but

in this Court a review by petition would cost more than the sum in dispute, and so the suitor was obliged to put up with the loss and pay the money out of his own pocket. Unless, therefore, some alteration is made in the present system of taxation, witnesses will be examined where they would not otherwise be called, and the time of the Court will thus be unnecessarily occupied.

Considering the few causes in which a *viva voce* examination will be had, the great expense and time that is now thrown away, and which would be then saved, I think the *viva voce* examination at the hearing would not be found to increase the costs of the suit, so much as by some is considered it would do; and when it is recollected that the Judge will have the witness before him, and the great benefit that such *viva voce* examinations will give the suitor, he will and ought cheerfully to submit to any extra expense which this mode of examination occasions, and of which he receives the benefit. A certificate of the Judge should be given that the *viva voce* examination was proper to entitle the party to the *extra costs* occasioned by such examination by analogy to the certificate of the Judge at Nisi Prius certifying for a special jury.

If, however, this is not adopted, then the present system with the power of the Judge at any time to direct a *viva voce* examination must be pursued, and which I believe will meet what in general is required; for my belief is that a *viva voce* examination is very seldom actually necessary. I would, however, submit that the examinations before an examiner should be so pursued as to show to the Court as near as possible how the witness, if he has prevaricated or contradicted himself, has so misconducted himself, and the difficulty that has occurred in extracting the answers from him. At present neither of these points is attended to. For the reasons mentioned in my former statement, I think the examinations in chief should be taken on written interrogatories as formerly, but openly in the presence of the parties. I am satisfied that this open examination is essential to the protection of property. In many cases this would dispense with the attendance of counsel, and there would be time saved in the discussion of the form, or the materiality of the questions put to the witness. I think that the examiner should read each question, and take down the answer that the witness gives, seeing that the witness clearly understands the question, and to this end the examiner should be at liberty to explain to the witness the nature of the question if not understood by him. In general (I should say in six cases out of seven) the examination might be taken down in the form of a narrative, but cases arise in which the solicitor knows more of the character of a witness than he can disclose, or in the middle of the examination it may be discovered that the witness is fencing; this may not be in all cases apparent to the examiner, and it would not be proper for the solicitor or counsel to state all that is in his own mind before the witness. I should therefore recommend that either party, without assigning any reason, should have the right at the commencement of, or during the examination, to require that the examiner should proceed in the form of question and answer,—subject, however, to the control of the Court in fixing the party with costs, if this indulgence is abused. That where the examination proceeds on the question being put down, and the question has to be explained or repeated, it should appear on the examination. That the answer being taken down should not be altered, any explanation in connexion with it should be by a subsequent statement at the place and time, when and where the witness expresses any desire to correct, explain, or alter his previous statement. That the examination in chief should be continuous, but if this cannot be avoided, and a witness has commenced giving his testimony, he should not, until he has completed his examination, converse or communicate with any third party, in reference to his examination. On separating, the examiner should admonish the witness, as is sometimes done in the Ecclesiastical Court, that he is not to hold any such conversation, or receive any communication, on the subject of his examination. When an examination has commenced, it would, I think, be very desirable that each witness should be asked, if required by either party, whether any communication has been made to him, and if so by whom, since the commencement of the examination of witnesses touching the evidence that he should give when under examination in the cause, and if so, then that the witness do disclose the whole that has passed, and the names of the parties he has conversed with, or from whom he has received any communication on the subject of his examination. This would prevent tampering with the witnesses, so as to induce them to alter their evidence to meet particular points arising on the examination of other parties.

It is impossible to secure the attendance of counsel before the examiner, and their inability to attend often occasions adjournments; this would be greatly avoided if the examination in chief were on interrogatories, as it would proceed in counsels' absence. If a witness duly subpoenaed did not attend, his non-attendance being certified, by the examiner to the Court, an order could be obtained, as of course, founded on the certificate that the witness do attend at a particular time, and that he should pay the costs of the order consequent on his non-attendance, and leave him to come to the Court to discharge it. This would lessen the number of discussions, and prevent the delay that would arise if the application is to be a special one on notice. A scale of well considered allowances should be laid down, that ought to be paid to each witness with his subpoena, and a tender of this amount is all that the examiner should require to be proved, and that being proved, he should grant his certificate thereof, and of the non-attendance; or of the attendance of the witness, and his refusal to be sworn or give evidence, and the Court

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again treating the certificate as proving a *prima facie* case, that the act of the witness is inexcusable, could make an order as above, which, if sought to be discharged, the Court could then determine whether what had been tendered was sufficient, or whether the act of the witness was justifiable, and make an order accordingly, and decide who should pay the costs of the proceedings. By being obtained *ex parte* it would save the time of the Court, and as the order might be discharged before anything serious had taken place, it would give sufficient protection to the witness.

II. The examiners in town should, in my opinion, only examine witnesses who are general residents within twenty miles of the Royal Exchange. At present witnesses from all parts of the kingdom are brought to London to be examined because of the convenience of having counsel, hence the examiners have too much to do. I am told that counsel also attend before them to protect the witness. This is unknown at common law, and should not be permitted. If the witness chooses to have counsel, he should not be permitted to interfere. As far as I have observed, the cross-examination is permitted to extend to any extent, which I conceive is an abuse of a cross-examination.

A cross-examination should be confined to what the witness has deposed to, in chief, either by his affidavit, or on a *viva voce* examination, or in connexion with either. This should be the object, but of course a great latitude must be left to the party conducting the cross-examination that he will not transgress this rule. I think it is impossible, with certainty, to decide on the materiality or immateriality of a question without knowing the whole merits of the cause, and as no one could know the merits without knowing all the evidence taken, and *to be taken*, and hearing the arguments pro and con, I think that an examiner should not have the power to determine whether the question is, or is not, material. The expense and delay of taking down a few impertinent questions and answers is far less than the delay and expense occasioned by long and frequent discussions before him upon such a subject. If, however, the examiner is to have the power of determining the materiality of the question, I think the questions which are objected to as being improper or material should be taken down *seriatim*, and he should certify the objection to them, and his decision thereon; and the party aggrieved might summon the particular witness to attend the Court on the hearing of the cause, and the Court should determine the question: if the decision of the examiner should be upheld, the party would have to bear the expense of bringing the witness to town; if it were reversed, the questions could then be put to the witness, and any questions arising out of the answers to them before the Court, and the extra costs should be costs in the cause; the time between the closing evidence and the hearing of the cause is now so short, that I think there would be a very little chance of any valuable evidence being lost. If, however, there was any chance of this, an affidavit might be made, to be used only if the attendance of the witness could not be obtained at the hearing.

III. I do not think that the examiner should have this power. If it is given to him I think there should be an appeal as above pointed out, for the difficulty of deciding on the materiality of a question until all the evidence is taken, and without going into the merits of the cause, applies equally to the Court, and there would be no end to appeals on each case arising, if the parties were to come to the Court for its decision, before the witness finished his examination. I think it much better to incur the expense of some impertinent questions and answers being taken down, rather than to give the examiner the power. If the examination was really so improperly taken, the Court on the hearing should make the guilty party pay the costs, and the examiner might have a power to call the attention of the Court if and when an abuse of the power to put irrelevant questions occurs.

IV. V. VI. Answered in substance before.

VII. Without a doubt this is so.

VIII. I think that the power of the Court would be found sufficient if exercised—I say if exercised, because I have found the counsel and the Court after having decided the cause, disinclined to go into such collateral questions.

X. The examiner should not have this power, but if it is given him, he should certify the questions proposed, and the reasons why he had not put them, as before stated.

XI. I do not think there would be many cases where the expense would be inordinate. In a few it might be. If the case required a great length of examination there can be no cause for complaint; and if it did not the disallowance of the costs and the payment of the costs of the opposite party which the Court might order, would soon correct this abuse.

XII. I think not. I think it is a very small minority of cases where it is essential that the Court should see the demeanour of the witness. In a case where parties have acted in concert to carry out a fraud, it might be necessary. I should think, however, that the Court should have the power of having any witness examined before the Judge hearing the cause.

XIII. I have above stated what, in my opinion, would be the best mode of accomplishing this, if an examination in Court is not adopted.

XIV. I think it is, and I am persuaded that very few cases would come before the Court, if, as I anticipate, the Court made the party calling for a *viva voce* examination improperly, pay the extra expense occasioned by having done so.

XV. Yes; I think the Judge's notes of the examination would be sufficient, with power for the Court of Appeal to call for the oral examination of any of the witnesses.

XVII. I think no extra Appeal Court would be necessary.

XVIII. The Judge's notes of the evidence should be taken. If any real dispute should arise he might be attended at Chambers, as Judges at common law are attended on settling a special verdict, or case, and he would state the, and decide what, evidence given.

XIX. I am opposed to admitting fresh evidence on an appeal. If a party could make out a case of accident or surprise such as would entitle him to a new trial at law, an application should be made to the Judge who heard the case, to permit the evidence to let in, and in that case a re-hearing before the same Judge should be had before any appeal allowed, so that on an appeal strictly so-called there should be no fresh evidence. If the appellate jurisdiction rehears the case, the application to let in fresh evidence, and to account for its not being produced before might be made to that jurisdiction, to save circuity of appeal.

XX. The only course that occurs to me is, that on the setting down of the cause notice should be served on the registrar that a *viva voce* examination is required. That the Court should set aside certain days in and out of term to hear such causes, which should be got through in preference to the other causes standing in the Court for those particular days, as the Courts of Common Law now set aside days for taking special juries. Two or three of these causes, not more, should be appointed in each day, and the paper should be filled up with the other causes, in case the *viva voce* causes should break down, or be disposed of earlier than anticipated, as common juries are put at the end of the list of the special jury causes.

XXI. I think their number sufficient, if the witnesses to be examined by them are confined, as I conceive they ought to be, to those that are really town witnesses, and not include persons brought to town to fill that description. I think the parties should be at liberty to select their own examiner. They will select the most business-like men in preference to those who will not get through their work. Officials frequently retard business, and parties cannot complain of them, or the delay they occasion until it is unbearable.

XXIII. I think so.

*By Richard Bloxam, Esq., One of the Chief Clerks to the Vice-Chancellor Wood.—
May 29, 1854.*

R. Bloxam, Esq.

I. 1. I think greater inconvenience would arise if he had the power.

2. I think he should take down the evidence, although he considers it inadmissible if the party examining insists upon it.

3. I think any other plan would be still more objectionable.

4. This must occasionally be the case, but not frequently, I should think.

5. I think the examiners should endeavour, as far as possible, to arrange that the examination of each witness is completed the day it is commenced; I do not know that there is any harm in the parties having the opportunity of calling other witnesses to prove what any witness examined may fail to prove.

6, 7, 8, 9. As I have no practical experience as to the mode in which business is conducted in the examiner's office, I cannot say to what extent these evils exist, but to a great extent they must be the necessary consequence of oral examinations, and this shows what would be the effect upon the Court, if the Court examines the witnesses.

The examiners, will probably, in the course of time, find out the means of better regulating their appointments; but the principal remedy must be the preventing the resort to oral examination for the purpose of delay.

I think it would be advisable that all parties should attend before the examiner to arrange the appointment to examine witnesses, and settle how much time will be required, and where the witnesses of each party are to attend. If any party fails to attend at the time appointed, he should be precluded from doing so, with power of course for the Judge upon application to permit him to make another appointment.

It would facilitate the arrangement, if the parties were required to hand in to the examiner the names of their witnesses; but this, if binding upon the parties, would create difficulty.

10. A scale of expenses could easily be arranged with the assistance of the Common Law Masters. This seems to involve the question, whether a witness can properly be required to take a long journey to be examined.

III. I think it would be indispensable that there should be liberty to appeal. The whole question at issue might depend upon the determination of the examiner.

IV. It seems to be absolutely necessary that the subject should be immediately brought before the Court. I think the examiner should, at the request of the party pressing the question, adjourn it into Court for immediate decision.

V. If delays were permitted the evil would be intolerable. On the other hand, the immediate hearing would very inconveniently interfere with other business.

••VI. I conceive these, and many other serious inconveniences would arise.

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VII. No doubt this is the case, and it is so much felt by the Judges at Nisi Prius, that they use their influence to check irrelevant matter with great caution, and they rarely do more than appeal to the counsel not to pursue the course he is taking, unless he has good reasons for doing so. It is scarcely practicable to control the cross-examination in any other way.

VIII. I do not think it sufficient to prevent it occurring.

IX. I do not think anything can be devised which would prevent it, but I think a fixed sum per folio to be paid for costs would greatly check it. I think the examiner should be at liberty to state what portions he considered immaterial or irrelevant, and that the party examining required it to be taken down, and in that case the costs per folio should be considerable.

X. I think they should have the same means as suggested above, with respect to matter immaterial or irrelevant.

XI. It would require a great deal more time to write down questions and answers, and this as well as the length of the evidence to be copied and read, would create great expense, and what is more important, the bulk would be so great that few leading counsel would find time to read and analyse it. It would be very cumbersome.

XII. I do not. I think it is only in very few and rare cases.

XIII. I cannot suggest any effective mode, but I think the examiner should be at liberty to state any thing he considers material to convey to the Court.

XIV., 1. Utterly impracticable in my opinion.

2. I think the Court should possess the power to do so in its discretion, and that no rule could be laid down upon the subject.

XV. There would be much difficulty in this, and this constitutes one of the objections to the system.

XVI. The Court of Appeal should have a discretion to examine the witnesses or not.

XVII. If the Courts were in all cases to examine the witnesses orally, I should think five times the present number of Judges would be required, and I should think three or four Courts of Appeal would scarcely get through the business if witnesses were in all cases examined on Appeals.

XVIII. As there cannot be an increase of Houses of Lords there would have to be a great increase of the days for hearing Appeals, if the House was to examine witnesses in all cases.

XIX. I do not see how this could be prevented. An Appeal would be in some respects like a new trial, and the benefit to be derived from this would lead to many more Appeals.

XX. This seems to be a necessary and serious evil if this plan is adopted.

XXI. I apprehend not. There is certainly much more delay than there ought to be. I believe the examiners only attend four hours a day which seems a very short time. A continuous six hours would be more than equal to two days of four hours each.

XXII., 1. I conceive there should be additional examiners if the present practice continues.

I think the plan here suggested most objectionable.

I think either the examiner's office should be abolished, or there should be a sufficient number to perform the duties efficiently.

If the office was abolished, the same plan should be adopted as in the country. To limit the special examiners to a certain number named, as the conveyancing counsel are, would in my opinion, be the worst system that could be adopted for such a purpose. There is no analogy between this and the conveyancing-counsel—who are intended to advise and assist the Judge in conveyancing matters—not to act for or between litigant parties.

XXIII. I am not aware of any reason why it should, and it is contrary to the practice at Nisi Prius.

I beg to offer a few suggestions in addition to the above answers to the specific questions.

I do not think there is any reason to depart from the principles upon which the present practice is founded, although some extensions and modifications are necessary.

I think affidavits should be the established mode of adducing evidence in all cases in the Court of Chancery.

The power to cross-examine a witness who has made an affidavit, is in my opinion, a most advisable and efficient check upon this mode of adducing evidence.

This being established as the ordinary practice, there should be power to apply to the Judge at chambers upon special grounds, for the adoption of a different course, either by examination on interrogatories, orally before an examiner, or orally before the Court, and either as regards any particular witness or matter, or the whole evidence. The order might then be made either unconditionally or upon such conditions as to costs as should be proper.

In a very great majority of cases the evidence would be simply by affidavit.

In some cases interrogatories would be far preferable to an oral examination, as in the case of the only difficulty being that the witness could not be induced to make an affidavit.

I think if this course was adopted the oral examination would be comparatively rare, and it would not be necessary to have a great number of examiners.

The application to depart from the ordinary course should not be too readily granted, seeing that there would remain the power of cross-examining.

The examination in Court should, I think, only be in extraordinary cases, the Court retaining the power it now has of requiring any witness to be examined in Court.

The examiner should not, I think, have the power to reject evidence either on the ground of irrelevancy or its not being legal evidence. The power to reject involves the necessity of his hearing arguments, and thus creating more delay than taking down the evidence objected to; and it also involves the necessity of an appeal to the Court.

The examiner should, I think, state what evidence he objected to, and on what ground, and that the party examining required it to be taken. Whether he makes such statement or not, the other party should be at liberty to give notice that at the hearing of the cause he will object to any specified portion as irrelevant or inadmissible, and the question could then be decided by the Court without much loss of time, and the party who pursued the improper course of examination should pay costs.

The examiner should also state anything he thinks material as to the demeanour of the witness, and this may assist the Court in requiring such witness to be re-examined in Court.

I think the evidence should be taken down as a narrative and not the questions and answers *verbatim*.

If the practice of witnesses being examined in Court was to be adopted generally, the Court would require an officer to take down the evidence which ought to be read over and signed, and afterwards filed, in order that it may be used in the Superior Court. The Superior Court should not, I think, necessarily re-examine the witnesses, but have the power to do so if thought fit.

If the Judge rejects any evidence, he should, if required by the parties, direct a note thereof to be made, and use his discretion as to allowing the evidence to be taken down, although rejected as irrelevant or immaterial, so that the Superior Court may on appeal decide the same question.

The Judge should also direct such note as he may think fit to be made as to the demeanour of the witness.

I feel, however, quite sure that if witnesses were always to be examined in Court, the present valuable state of efficiency and expedition would cease, and the Court become perfectly intolerable. I do not understand why a totally different system of evidence is in practice where the plaintiff moves a notice for a decree, and where the cause is set down in the ordinary way.

In the one case the evidence necessarily proceeds by affidavit, the plaintiff first filing his, then the defendant answering, and afterwards the plaintiff replying.

In the other case any party may, at his option, require the evidence to be oral; and whether it is adduced orally or by affidavit it closes as to all on the same day, so that all may file their affidavits on the last day and there is no answer or reply.

The power to require oral examination is, I have no doubt, frequently exercised merely to impede and delay the other party, and very frequently without reflection. I have often, upon applications to appoint examiner, asked the party requiring an oral examination why he required it without being able to obtain any reason for it—but if a special application had to be made supported by some reason, I think the application would be comparatively rare.

When this course is adopted for the purpose of delay, the party has the same motive for creating delay before the examiner.

By James Campbell, Esq., Queen's Counsel.—May 29, 1854.

J. Campbell, Esq.

I, 1. I think the function of the examiner is, and ought to be, purely ministerial; that he ought not to have power to determine on the materiality or relevancy of any question put.

2. And that he has not, and ought not to have, power to reject any evidence as inadmissible. To decide on admissibility of evidence, is virtually to decide the cause. Where a party insists on tendering inadmissible evidence, the Court can punish in costs.

3. The method of putting the evidence in the form of a narrative is, to some degree, defective, but the form of question and answer, though more perfect, would involve so much length and expense, that I consider it impracticable.

4. The mode of examination in the examiner's office is open to the objection which arises from the Court not seeing the demeanour of the witness? But the objection does not, I think, go to any great extent. Out of the great mass of cases in Chancery, those which present any considerable difficulty in the ascertainment of important facts are but few. It was in this limited class of cases that the Court, from the imperfection of its own mode of procedure, was in the habit of directing an issue at law. I think the new mode of examination does, in many cases, sufficiently get out the truth, and if in some cases the Court should still feel itself in a difficulty, it ought to have the power of directing an oral examination of the witnesses before itself: though this power should be rarely exercised, its existence would operate beneficially. I think, in many cases, the

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examiner might assist the Court, by noting on the examination that the conduct and demeanour of the witness appeared to him satisfactory, or the reverse.

5, 6, 7, 8. I admit the objections which arise to the present mode of examination, from the want of continuity, from the delay, the expense, and the loss of time. To obviate these objections, there ought to be an increase in the number of examiners; and I see no reason for adhering to the rule, that where there is oral examination the *whole* of the evidence should be oral.

9. I think the power of committal should belong to the Court, and not to the examiner.

10. When a witness demands an unreasonable sum for expenses, the question is one which requires instant determination, and no better mode occurs to me than to leave the matter to the examiner.

II. I have not noticed any defects in the present mode of examination, beyond those already mentioned.

III., IV., V., VI., VII., If the examiner had the power to determine on the materiality or relevancy of questions, it would be necessary to give a power of appeal against his decision, and these appeals would be frequent, would much interrupt business, would occasion much delay and expense, and would render it necessary in some cases to enter into the merits of the cause. Further, I think a question which at the moment may seem immaterial or irrelevant may, by the introduction of subsequent evidence, become important.

VIII., IX. I think the power of the Court over the costs is a sufficient check upon the unnecessary consumption of time by immaterial or irrelevant questions.

X. If the examiner declines to take down matter which he thinks is not evidence, I think he oversteps his power. A general order of the Judges would, no doubt, prevent any such thing being done.

XI., XII., XIII. These I have already answered.

XIV. I do not think it either practicable or necessary that evidence should be taken before the Court in all cases. The excepted cases must, I think, be left to the discretion of the Court.

XV. to XIX. In the case of an appeal, I think an oral re-examination of the witnesses open to great objection.

XX. I think it should be for the Court alone, on hearing the evidence already taken, to say whether there should be an oral exhibition before itself; and then the cause should stand over, if necessary, to an early day, then to come on peremptorily.

XXI., XXII. I think the number of examiners is insufficient, and that there is an absolute necessity for additional examiners. I do not mean special examiners.

XXIII. I think the cross-examination of a witness upon an affidavit made by him, not to be used at the hearing of the cause, should be limited to the matter of the affidavit.

J. V. Prior, Esq.

By J. V. Prior, Esq., Barrister.—May 30, 1854.

I., VII., VIII., IX. The practical result of my experience on my own mind has been, that it is next to impossible to say *à priori* what may be material to the decision of a case, so as to decide positively that a given fact cannot be material. So much depends on the view which the Judge at the hearing may take of the case, so much as the line of argument adopted by the counsel, and so much as the evidence of other witnesses; and in addition to this, matters not directly bearing upon the question in issue do often give such a character to the transactions, and the conduct of the parties, that I think that if the power of deciding on the materiality or immateriality of evidence were given to an examiner, or even to a Judge, in an earlier stage of the cause, the power would either be virtually abandoned, or, if exercised in any appreciable degree, would either lead to a defect of justice, or to increased delay and expense by the re-examination of witnesses on points previously rejected as immaterial. My conclusion in this respect is much strengthened by my observing the reluctance with which Judges, even when applying their minds to the decision of a case, (and having, therefore, a much greater power than any examiner of separating the material from the immaterial,) do in practice stop a course of examination, even on points which they evidently consider immaterial. I except, of course, those cases in which the power of examining is palpably used for the purpose of annoyance, or other collateral purposes. This would be an abuse of the course of justice, the power to stop which would, I conceive, under any system, belong to the examiner.

I. 2., X. I think that if the examiner declines to take down evidence which he considers inadmissible, the Court ought to have the power of reviewing his decision on the hearing of the cause, and I see no great practical inconvenience resulting from this course.

I. 3., XI. I think that the unnecessary and inconvenient length which would be the result of taking down all the examination in the form of question and answer, renders it essential that the examiner should exercise his discretion on this point; but in those parts of the examination which are taken in the form of narrative, I think that it should

be imperative upon the examiner, at the request of either party, to make a note of any correction which the witness makes in his statement, so as to preserve a record of the original as well as the corrected answer.

I., 4.—XII. I think that in the majority of cases in which an oral examination is necessary, it is also necessary that the Judge who is to decide the case should see the demeanour of the witness. In many cases, however, the cross-examination of a witness, when compared with the documents and undisputed facts of the case, would sufficiently confirm or discredit his testimony, even when conveyed by writing only. And in other cases, although it may *à priori* be properly considered necessary to examine a witness orally, the result may show that his evidence is really not material.

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Remaining Questions.—These open a very wide and difficult field of inquiry. The present system of oral evidence before an examiner leads, as I am informed, (and as I believe must be the case, although I have not myself seen an instance of it,) to great, and I cannot but think unnecessary expense. My own experience is confined only to one source of that expense, viz., the impossibility of counsel with much Court practice attending a continuous examination of witnesses. In some cases this inconvenience is remedied by a second counsel attending before the examiner: this obviously doubles the cost. My own practice has been to advise my clients to confide the examination entirely to a counsel who could give his time to it, and in consequence I have only once attended before the examiner. Even so, however, there is some extra expense, and the client loses the advantage of the same mind which has prepared the pleadings, and is to argue the case, being directed to the examination.

I think, however, that the great cause of expense is the abuse of the power which either party has of compelling an oral examination, and if this power is retained as at present, a transfer of the oral examination from an examiner to the Judge in Court would, I think, render necessary such an increase in the number of Judges as would probably be considered impracticable.

Subject to this qualification, I think that, generally speaking, justice would be more perfectly administered, and much expense saved, by the oral evidence, when necessary, being taken before the Judge *at the hearing of the cause*, and amongst the variety of systems of taking evidence which present themselves (each confessedly imperfect) I would suggest the following:—

That all oral examination should take place in open Court, (except, perhaps, in the case of a witness who refuses to make an affidavit.)

That no witness should be examined orally, except—

1. On the certificate of counsel on *both* sides that they consider it necessary that such witness should be so examined.
2. On the certificate of the solicitor of either party that he has applied to the witness, and that he refuses to make an affidavit, or that he (the solicitor) believes that, if orally examined, he will make a further or different statement than he is willing to embody in his affidavit.
3. By the direction of the Judge on the hearing of the case.

With respect to cross-examination, I would propose,—

1. That the party proposing to cross-examine should be at liberty to exhibit written questions to the witness, and, if the witness is willing, obtain from him in this way, by an affidavit embodying an answer to such questions, the additional statement or explanation he may require.
2. That the cross-examination should take place orally in the following cases:—
 - (1.) On the certificate of the counsel of the party desiring to cross-examine, that in his judgment an effectual cross-examination cannot be obtained otherwise than orally.
 - (2.) On the certificate of the solicitor, that the witness refuses to make an affidavit in answer to the questions submitted to him, or that he believes that he will make a fuller or different statement if orally cross-examined.
 - (3.) By the direction of the Judge at the hearing of the cause.

When the only necessity of examining a witness orally arises from his refusal to make an affidavit, there will be many cases in which his examination before an examiner would answer every purpose of an examination in open Court, and so frequently in the case of cross-examination. There remains the question, how cases of disputed and doubtful fact are to be dealt with on appeal, and this question is complicated by the circumstance that the appeal lies to two tribunals,—one, the superior tribunal in the Court of Chancery, which examines witnesses orally; the other, the House of Lords, which does not at present do so on appeals. Assuming that a system can be successfully carried out by which the oral examination in open Court shall be substantially restricted to those cases in which such a mode of examination is *necessary* for the investigation of the truth, it seems to follow that, for the purposes of an appellate tribunal, which will not see or hear the witness, it is impossible to keep too close or faithful a record of the examination. The notes of a Judge not communicated at the time to the parties are obviously open to many imperfections and errors. To require the Judge to take down every question and answer would occupy much time. As a medium course, I would suggest that a full note by the

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Judge of the examination read, and, if necessary, corrected at its conclusion, would be a satisfactory summary of the evidence, and probably sufficient for an appellate tribunal, which would inform itself on any point not sufficiently detailed by a further oral examination of the witness; but for the purposes of the appellate tribunal, which does not adopt this course, something more detailed than a Judge's notes seems requisite, and until the House of Lords adopts the system of itself examining witnesses orally, I can only suggest that as great accuracy and detail as possible should be secured by a shorthand writer taking down every question and answer, he being employed for the purpose as an officer of the Court, and not by either party separately.

The two great objections to the present system appear to me to be,

- 1st. That, *prima facie*, all the evidence is taken orally, or all by affidavit, whereas, in the majority of cases in which any oral examination is necessary, many of the witnesses might still give their evidence upon affidavit.
- 2d. That it being admitted that, in cases of disputed fact and contradictory testimony, the most perfect mode of examination is orally before the Judge who is to decide the question of fact, the previous oral examination before an examiner either leads to the expense of a double examination or induces the Judge to decide on the less perfect materials before him, viz., the examiner's record in writing of the depositions taken by him.

I consider, however, the second of these objections as much less generally applicable than the first, which I may instance by a case now before me. It is proposed to examine the witnesses before a special examiner, a Queen's counsel of great eminence, with the first counsel at the common law bar to conduct the examination. As to two or three of the witnesses, there can be no doubt of the absolute necessity of oral examination, and, considering the amount of the property involved, and the nicety of the question of fact and the minute details on which it will turn, the proposed mode of conducting the case is, as regards these witnesses, quite warranted; but the result will probably be, that there will be also examined in the same manner other less material witnesses on the collateral points of the case, whose evidence might quite as well be given by affidavit. Under the present system it will be difficult to avoid this, but it would be effectually prevented if the oral examination were only allowed on some such certificate as I have suggested.

I may mention another case showing the abuse of the power given to either party to require an oral examination. An insolvent without the means of paying costs having set up a claim which has caused an interpleader suit, has, in a case in which there was clearly no necessity for it, given notice to take the evidence orally, evidently with the same object with which he made the claim which caused the suit, viz., to induce his mortgagees to buy off his opposition, as the least expensive mode of terminating the suit.

H. Leman, Esq.

By Henry Leman, Esq., one of the Chief Clerks to the Vice-Chancellor Wood.—
May 31, 1854.

I. I do not think the objections referred to in Nos. 1, 3, 4, 5 and 9, are such defects as require alteration. The objection referred to in No. 2 might I think be remedied by giving parties the right of appeal. The objection referred to in Nos. 6 and 7 I imagine could only be remedied by having special examiners appointed. That referred to in No. 8, might be remedied by giving the examiner power to certify the defaulting party, with a view to such party being saddled with the extra costs occasioned. I am unable to suggest a remedy for the objection referred to in No. 10.

II. I am not able to point out any additional defects to those above referred. I should add, that not having had of late years experience in proceedings before the examiners, I speak with great diffidence in answering these inquiries.

III. I think such an appeal would be advisable.

IV., V., VI. I think the appeal might be made after the examination is concluded; the Court possessing as it does the power of calling any witnesses before it.

VII. This is so certainly.

VIII. I think so.

IX. I cannot suggest any other.

X. I think parties should have the means of appealing at the peril of costs, and it might be on a note thereof, to be made by the examiner at the request of either party when the cause comes on before the Court.

XI. I think it would.

XII. I do not.

XIII. I cannot suggest any mode.

XIV. With reference to the time it would consume, I think not, and the advantage of having the evidence filed on the records of the Court, I think in many cases very important.

2. In cases only where the Court thinks fit to exercise its power of examining *viva voce*, or where the examiner at the request of the parties should think it proper to send a witness before the Court.

XV. I think not.

XVI. I think it would not.

- XVII. I think one other Court at least would be required.
 XVIII. Except by more frequent sittings, I see no other means.
 XIX. I think it could hardly be prevented.
 XX. I cannot.
 XXI. I think it is not sufficient.
 XXII. By the appointment of special examiners.
 XXIII. I think it should be so limited.

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H. Leman, Esq

By Richard Baggally, Esq., Barrister, May 31st, 1854.

.Baggally, Esq.

I., 1. The want of power in the examiner to determine on the materiality or relevancy of the questions put is not, in my opinion, a defect in the present system of taking evidence. On the contrary, I think that in many cases much practical injustice would be wrought if the examiner had such power. The loss of time also would be very great. I think also that no discussion should take place before the examiner as to the propriety of any questions put, whether the objection be on the ground of immateriality or irrelevancy, or the inadmissibility of the answer, if given as evidence, or on any other ground. I would, however, give liberty to the examiner, under such circumstances as may appear to him to warrant it, to refuse to take down the answer to any question; as for instance, where a question is asked the answer to which might affect the reputation of third parties, without being material to the question in issue.

2. The practice alluded to is, in my opinion, objectionable. I think it would be far better, as I have above stated, to take down the answers to all questions put, and leave it to the Court to reject or expunge the answers to all improper questions, either at the hearing or upon a previous motion.

3. Although, in the great majority of cases, the narrative form is quite sufficient to convey to the Court the true effect of the examination, it is in many other cases quite insufficient for that purpose. In cross-examination I think it is particularly objectionable; the inconsistencies and fencings of a partizan witness are quite lost sight of, it being the object of the examiner as far as possible to have a consistent statement. In my opinion it would be a great improvement in the present system if, in all cases of oral examination, the evidence were taken down in the form of question and answer, and the questions were numbered consecutively. In those cases in which the narrative form is sufficient, the evidence is for the most part given, either by a simple affirmative or negative to a question, embodying the facts deposed to, or by a detailed statement of facts given in answer to a very short question; and in neither of these classes of cases would the length of the depositions be much, if at all increased, by taking down the question and answer.

4. I am not disposed to attach much weight to the objection that the court, not seeing the demeanour of the witness, is unable to form a true estimate of his credibility. It no doubt occasionally happens that the effect of the evidence of a witness is strengthened or weakened by his behaviour whilst under examination, but these cases are of rare occurrence, and I think that the weight to be attached to the evidence of a witness is much more affected by the form of his answers and their relation to the questions put than by his personal demeanour. I submit also that it is within the duty of an examiner to append to the deposition of any witness such notice of his demeanour as the circumstances of the case may warrant.

5, 6, 7, 8. I think there can be no difference of opinion as to the existence of the several defects referred to in these paragraphs. An increase in the number of examiners would moderate the evils, but they must, almost of necessity, exist to a greater or less degree. Several modes of checking these evils have been suggested; but I do not feel satisfied that they would, upon the whole, effect any improvement in the present system.

9. The case of a witness refusing to answer is so rare that I do not think there is any necessity for conferring upon the examiner the power of committal. It would, moreover, be always in the power of a witness to protect himself from committal by demurring to the question, as provided by the 33rd section.

10. No case has come under my notice of a witness demanding an unreasonable sum under the name of expenses, before giving his testimony; but it appears to me that there can be no practical difficulty in dealing with a witness who adopts this course.

II. I think the present system of reading over to a witness the entirety of his deposition before he is required to sign it, is objectionable; it enables a clever witness to qualify a statement, the effect of which he was not aware of at the time when he made it. I think it would be better that each question and answer (or the statement as the case may be) should be read over to the witness after they have been taken down, but that there should be no reperusal.

III. If power is conferred upon the examiner to determine on the materiality or relevancy of questions, I think it essential that any party feeling himself aggrieved should be at liberty to appeal. I may add that the great difficulty, if not impossibility, of providing an efficient mode of appeal, without at the same time occasioning great delay and expense, is my chief ground for thinking it undesirable to confer the power upon the examiner.

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IV. I think that the examiner should, immediately upon making known his determination, inquire of the party against whom his decision is given whether he is willing to abide thereby, or desires to appeal, and that unless the wish to appeal is then expressed, the examiner's decision should be final. In the event of such wish being expressed, it should be in the option of either party to require the adjournment of the examination until the appeal is disposed of. I think it would be convenient that these appeals should be disposed of at the sitting of the court, on the first day of its sitting after the proceeding before the examiner, or at such other time as the Court may then appoint.

V. VI. VII. I fully appreciate the difficulties in the way of an appeal suggested by these three questions.

VIII. I think the power of the court referred to in this question, if exercised with reference to depositions taken down in the form of question and answer, would be quite sufficient for the purpose; but I do not think it is sufficient when the evidence is taken in the form of a narrative: the statement may be altogether immaterial, and yet the question quite material and proper.

IX. I think it desirable that any party who is advised that immaterial or other improper questions have been put, should have the opportunity of moving to expunge the depositions given in answer to such questions before the hearing of the cause.

X. I entertain the same opinion with respect to statements inadmissible as evidence, as I have already expressed with respect to those which are immaterial or irrelevant.

XI. I do not think the bulk would be much increased.

XII. I do not, and if the evidence is taken down in the form of question and answer, the cases in which it would be important to see the demeanour of the witness would be very few indeed.

XIII. I cannot, except as I have above suggested.

XIV. Such a system is doubtless practicable, but I think it would be attended with a very great increase of expense and inconvenience. I am unable to point out any class of cases in which oral examination would be particularly desirable, although there are some cases in which it is more desirable than others, but this depends upon their special circumstances.

XV. I think not; unless the whole of the examinations were taken down in the form of question and answer. It appears to me, however, that it would be very objectionable to have the witnesses re-examined before the Court of Appeal, as it would afford them an opportunity of qualifying their former evidence.

XVI. This would depend upon the extent of the Judge's notes, but unless they set forth almost the entirety of the evidence as given, I do not think it would be desirable that the information of the Court of Appeal should be limited to the notes.

XVII. This is a very difficult question to answer, but I am disposed to think that the Court of Appeal as at present constituted, would be found sufficient for the purpose, even though the evidence were taken again. The majority of the appeals are on questions of construction, and in very few is there much conflict of evidence.

XVIII. Unless the evidence taken in Court is in some manner recorded, it appears to me that the right of appeal to the House of Lords, as it at present exists, will be virtually abolished.

XIX. I do not think it would be practicable to prevent the evils suggested in this question.

XX. I cannot.

XXI. I think the number insufficient.

XXII. I am strongly in favour of the appointment of a competent number of special examiners, provided the number appointed is so large as to enable any examination referred to the special examiners in rotation to be proceeded with forthwith, if necessary. I think, however, that an additional permanent examiner is also necessary. However numerous the permanent examiners are, unless they are so numerous as to have a great deal of spare time on their hands, it will be, as a general rule, impossible to obtain an early day for an examination before them.

XXIII. I think it undesirable to limit the right of cross-examination of any witness, more particularly when he has given his evidence in the form of affidavit, from which much material information he was capable of giving has probably been purposely excluded.

George Hume, Esq. By George Hume, Esq., one of the Chief Clerks to the Master of the Rolls, May 31st 1854.

I. I agree with the objections numbered 1, 5, and 9, and I think the examiner should have power to determine on the materiality or relevancy of the questions put, and that the examination should be continuous, and that upon the examiner's certificate that a witness had refused to answer, the Judge should have power to commit.

The examiner should also have the power to fix the amount of the witnesses' expenses, according to a settled scale of allowances.

II. It appears to me that the greatest defect in the present system is, that the examiner does not know the material points to which the examination should be directed; and on this ground I prefer the former practice of examining upon written interrogatories

carefully prepared by counsel with a view to the material issue in the cause, to the present plan; at least, as relates to the examination in chief, provided the examination be conducted in the presence of the parties.

I also think the proof of documents, and of all other merely formal matters, should be settled by way of admissions upon a summons before the Judge at chambers, in the same manner as is done before a trial at common law.

III. The examiner should state on the depositions the exact terms of any question he may determine to be irrelevant or immaterial, and in case the Court at the hearing should consider the question relevant or material, the party should be at liberty to supply the omission, either by an affidavit of the witness, filed and notice thereof given to the opposite party within seven days after the examination before the examiner, and at least fourteen days before the hearing of the cause, or by a further examination of the witness before the Court, as the Court should direct; the costs of such affidavit or further examination to be in the discretion of the Court.

IV. I think there should be no appeal from the examiner's decision, except in the manner pointed out in the preceding answer.

VII. Yes; especially where the person before whom the examination is conducted is ignorant of, or is not the Judge then to decide upon the merits of the case; and this renders it very difficult for the examiner, and would render it equally difficult for the Court on an appeal from the examiner (except at the hearing of the cause) to decide as to the materiality or relevancy of a question; and great latitude should therefore be allowed by the examiner in permitting questions to be put, which may at first sight appear immaterial or irrelevant.

VIII. I think the power of the examiner to determine as to the materiality or relevancy of the question, and of the Court to direct the costs of irrelevant evidence to be borne by the party occasioning it, is the only way in which the Court can check the unnecessary consumption of time by immaterial and irrelevant questions: the power of directing the costs of a fresh examination of the witness at the hearing to be borne by the party objecting to the question, will also deter counsel and solicitors from raising frivolous or untenable objections before the examiner.

XI. I think that the examination may generally be taken down in the narrative form, but the examiner should put down any particular questions or answers which he thinks material, and I think either party should have the right to require that the whole or any part of the examination be taken down by question and answer.

XII. I do not think it important, in the majority of cases brought before the Court of Chancery, that the Court should see the demeanour of the witness.

XIV. I think it would not be practicable in all cases that the evidence should be taken orally before the Court itself; such a course would entail a great expense upon the suitors, as well as occasion a serious inconvenience to witnesses, and would entirely change the character of the Court; but I think it is advisable, in cases depending entirely or chiefly upon the credibility of living witnesses (such as cases to determine the validity of a will, or the sanity of any party, or where an issue upon a matter of fact would probably be directed), that the Court, upon the application of either party, and a certificate of counsel that it is a proper case for a *vivâ voce* examination of the witnesses in open Court, should have power to direct the examination to take place before the Court itself.

XV. I think the Judge's notes of the evidence, with a personal communication with the Judge when considered necessary, would be sufficient for the Court of Appeal without a re-examination of the witnesses,—reserving, however, to the Court of Appeal the power of directing such re-examination (for the satisfaction of the Court) if it should so think fit.

XVI. I think the question of the necessity of a re-examination of the witnesses should be left entirely to the Court of Appeal.

XVII. I think it would be very seldom, and that only to clear up some ambiguity in the notes of the evidence, that it would be found necessary to re-examine the witnesses before the Court of Appeal, and that no material accumulation of arrears could arise on that account.

XIX. I think no new evidence should be admitted before the Court of Appeal, though, if a witness is re-examined, it would not be practicable to prevent variations between the evidence given by the same witness before Court the below and the Court of Appeal, but I think if the Court of Appeal considered such variations material, it should direct a re-hearing of the case before the Court below.

XX. I think in all cases where a *vivâ voce* examination of witnesses before the Court is directed, the cause should be set down at the head of the paper on a day to be appointed, and the hearing continued until the conclusion of the case.

XXII. I think there should be at least four examiners, one to be attached to the Court of the Master of the Rolls, and one to the Court of each of the Vice-Chancellors, in order that the Judge, when necessary, might be able to communicate with the examiner as to the evidence and demeanour of the witnesses; but I think that all special examiners should be named by the parties, subject to the approval of the Judge.

XXIII. I think great latitude should be given in the cross-examination of a witness who has made an affidavit affecting the merits of the case, and that it should be competent to the party interrogating to ask such witness any question relating to the subject matter in issue.

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George Hume, Esq.

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Messrs.
James and Curtis.

By Messrs. James and Curtis, Solicitors,—June 1, 1854.

I.—1, 2, 3, 4, 5, 6, 7, 8, 9 and 10. We believe that the whole of these defects (except No. 10,) exist in either a greater or less degree; the chief defects, however, which we have experienced, are those enumerated in paragraphs Nos. 3, 4, 5, 6, and 7. With respect to the two last-mentioned, we may state, that in a suit in which seven witnesses were examined, five for the plaintiff, and two for the defendants, the fees to defendants' counsel for attending the examination amounted to upwards of 60*l.*, whereas the whole of the evidence might have been taken in Court, *vivā voce*, in one day.

II.—1, 2, and 3. Where there is an examination before the examiner in London, we think on account of the great expense, the old rule as to witnesses residing more than twenty miles from London being examined before a commissioner or special examiner, should no longer prevail, except under special circumstances.

The only mode we can suggest for effectually remedying these defects would be, to take the evidence in all cases where not adduced by affidavit or by documents *vivā voce* before the Court itself. Where some witnesses are examined in London, and others in the country before different examiners, we cannot see how either could correctly decide upon the materiality or relevancy of questions, without being made acquainted with the evidence adduced before the other; but if such power is given to the examiner, the right of appeal should be allowed.

V. We think several such appeals might arise, and could not be determined without great delay and expense.

VI. We think it might be necessary.

VII. This we have found to be so.

VIII. We think no other check could be given.

X. We think some means of appeal should be given, but again, the delay and expense thereby occasioned, would be considerable.

XI. We do.

XII. Yes; and where there is conflicting testimony we cannot see how the Court is to arrive at a correct decision without.

XIII. No.

XIV. We think it would, in all cases, except where the parties should elect to adduce evidence by affidavit or documents.

XV. We think it would.

XVI. We think it would, as the principle involved appears to act well in the Courts of Common Law, the Court of Appeal having the power to decide upon the notes, or direct a new trial.

XIX. We think it would not be practicable to do so.

XX. We cannot except that: more care should be taken in making out the list of causes for the day, so as to prevent as much as possible, the parties attending unnecessarily.

XXI. We think not; we have found great difficulty in obtaining appointments, except at long intervals.

XXII.—1, & 2. We think the course mentioned in No. 2, would be the better plan if the special examiner was to sit *de die in diem* until the whole of the evidence to be adduced was concluded.

T. Kennedy, Esq.

By Thomas Kennedy, Esq., Solicitor.—June 6, 1854.

I. II. III. The mode of taking evidence before examiners is, no doubt, open to most of the objections pointed out in the questions. It is also open to the further objection, that the witness is now permitted, after cross-examination, to correct his evidence by altering what has been taken down, which must effectually prevent the Judge from properly appreciating the evidence. This has, in some measure, arisen from the witness being required to read over and sign his examination. As it would scarcely be right to insist upon a witness signing a deposition which at the time he signs it he alleges does not correctly state the facts. The signature of the witness to the examination occasions delay, and is in my opinion, inconvenient and unnecessary. If the present system be continued, it would be advisable that it should be considerably amended.

It would be an undeniable advantage that the Judge who decides the case should hear the evidence, and that his decision should be given immediately after hearing it. The advantages of this appear to me to be so great, that although there may be some disadvantages and difficulties, I entertain a strong opinion, that a plan to effect this object ought to and might be carried out.

At the same time if the difficulties should be deemed insurmountable, I would make the following observations and suggestions as to the best mode of improving the present system: 1, & 2. The examiners ought to sit in open Court, and to have the power to determine on the materiality or relevancy of the questions, and to reject all evidence they conceive to be inadmissible,—to commit a witness for not answering, and to fix the sum which a witness may demand for expenses, subject to an appeal to the Court.

A witness ought not to be allowed to correct his evidence when once taken down by altering that which has been written, but if it be necessary to do so, it should be done by the examiner taking down the corrected statement.

3. The true effect of the evidence may sometimes not be conveyed to the Court by the evidence being taken down in the form of a narrative as suggested ; but the objection is so great to taking down the evidence at length, viz., the great expense which would be incurred by the length of the depositions, and the time which would be employed in reading them over, that I think the form of narrative should be adhered to. I would propose, however, to save time and expense that an official shorthand writer should be appointed to each examiner who should take down the evidence as it is given, not for the purpose of being transcribed, but merely for reference if the Court or the examiner should wish to ask any question upon it ; and that after the answer has been given, the shorthand writer should, on a separate paper, take down, for the purpose of being transcribed under the dictation of the examiner, the evidence in a narrative form. The advantage of this would be, that, much of the time now taken up by the examiner himself writing down the evidence would be saved, and the counsel, the parties, and the witness would know precisely what is taken down as the examination proceeds, which under the present system, they cannot know until it is concluded.

This plan would also remedy the objection herein-before stated, of making it necessary for a witness to read over and sign his examination after it is concluded.

He might be allowed to correct the statement when dictated by the examiner ; but after the evidence is once taken down, it should not be corrected otherwise than by an additional statement.

This plan would also have the further advantage, that if the Judge at the hearing should want further information on any particular part of the evidence he could without incurring the expenses of having the witness again brought up, call upon the official shorthand writer to read his full note of the evidence. The Judge might still, if he should deem it necessary, have the whole evidence or any part of it transcribed, or have the witness brought before him.

4. This method of proceeding would still be open to the objection of the true effect of the examination not being conveyed to the Court, that the Court has not the advantage of judging of the credibility of the witness by observing his demeanour, and that the examination cannot be made to be continuous ; but I do not think it possible to attain these objects by any other means than the Judge himself hearing the evidence.

I would therefore suggest as the most eligible plan, that the Judge who hears the cause should also hear the evidence in all cases whether in town or country, and that he should be assisted by an official shorthand writer. The expense of bringing up witnesses from the country, now railways are so general, would probably not exceed the expense of an examination in the country, including examiner's fees, depositions, &c.

In order to avoid the expense to the suitor, which would be occasioned by keeping the witnesses waiting until the cause could be reached, I would propose that those causes which are to be heard upon oral testimony, (which would be comparatively few in number,) should be put at the head of the paper for a particular day, and so that no time might be lost in case a cause should go off, some other causes not to be heard upon oral evidence, should be added to the list.

The shorthand writer should take down the evidence verbatim, as before suggested in case of the examiner, but he should also take down in the form of a narrative for the purpose of being transcribed, if necessary, such part as the Judge should direct.

If the decision of the Judge should be appealed against, the transcript would not be unnecessarily long, and the Court of Appeal could have any part of the detailed evidence read over by the shorthand writer, or if required, transcribed.

The cases on which an appeal arises upon facts form a small part of the cases heard, and in all the other cases all the expense of transcribing and copying the evidence might be saved, except in some instances where it might be deemed expedient to file a transcript, directions for which should be given by the Judge at the time. The parties should, of course, have the option of having a transcript at their own expense, at the risk of its afterwards being allowed in costs.

This course would seem to me to meet all the objections pointed out in the circular. It would no doubt occupy more of the Judge's time than under the present system ; but the difference between having the lengthy evidence taken by the examiner read over, and the taking down the evidence in shorthand, would not be so great as at first it might appear.

I would also, in order further to save the time of the Court in taking oral examinations, permit any part of the evidence which the parties might agree upon, or the Judge may order to be taken upon affidavit to be so taken, although other parts of the evidence be taken orally.

IV., V., VI., VII., VIII., IX., X. The suggestion I have made as to the examination of witnesses before the Judge meets the difficulties here suggested : but if the office of examiner be still to be continued, I should say that there should be only one appeal allowed at the conclusion of the examination, and this should be done by motion to be set down in the Registrar's book. I do not think the power of the Court to direct costs of irrelevant evidence is a sufficient check upon the consumption of time occasioned thereby, as the professional man in conducting the examination very rarely considers the question of costs ; the only effectual means of remedying the evil is, that the person taking the

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examination should have power to refuse to allow the questions to be put, if the question becomes material from subsequent evidence, the examiner should then permit the question to be put.

XI. I think it would be attended with inordinate and useless expense to have the evidence taken down by question and answer in all cases, except by a shorthand writer as I have before suggested, not necessarily for the purpose of being transcribed.

XII., XIII. In all cases where an oral examination is material, I should say that it is important that the Judge should see the demeanour of the witnesses, but I cannot suggest any mode by which this can be done other than that the Judge himself should take the examination.

XIV. I think it would be practicable in the way I have suggested, but I would give the Judge a discretion in permitting an oral examination or not, or rather upon cause shown depriving the parties of the exercise of the right to an oral examination. I do not think it would be practicable to define the class of cases beforehand.

XV. I think it would in the way I have suggested. The Court of Appeal having the power, if it should think fit, of re-examining any particular witness, either altogether or upon any particular point, as it will seldom be important that the Judge should re-hear the whole evidence for the purpose of deciding the appeal.

XVI., XVII. In the view I take of the case, I do not see any objection to the Court of Appeal deciding upon hearing the notes of the shorthand writer read, especially if the Court of Appeal have liberty to confer with the Judge who heard the cause. I do not consider any additional Court of Appeal necessary.

XVIII. I think the right to appeal to the House of Lords might be dispensed with, especially if another Judge of Appeal was created, and that appeals were heard by not less than three Judges.

XIX. I do not think it would be practicable altogether to prevent the objections here pointed out ; but they would be considerably modified by permitting the Judge of Appeal to confer with the Judge who heard the cause.

XX. I have answered the question by the suggestion that the causes should be appointed for particular days.

XXI. The number of examiners is manifestly inadequate if the present system be retained, there should at least be an examiner to each Court.

XXII. I think the appointment of special examiners decidedly objectionable. Officers who are to perform such important duties, and whose impartiality is of such great importance, should not be allowed to transact any other business than as officers of the Court. Besides which, by having other business to attend to, it would necessarily interfere with their official functions.

XXIII. I decidedly think that the cross-examination of a witness who has made an affidavit ought not to be limited to the matter of the affidavit : this might be the means of completely defeating the ends of justice ; it is even of more importance than when a witness has been orally examined, as the witness has a greater opportunity of so giving his evidence as to avoid making known the whole truth. I believe at common law no such limit is put in the cross-examination of a witness, and it has not been found to be productive of any evil.

Messrs. Oliverson
& Co.

By Messrs. Oliverson, Lavie and Peachey, Solicitors.—June 6, 1854.

Before we answer the specific questions on the present system of taking evidence in the Court of Chancery, we may be allowed to suggest :—

1st. That different opinions may and necessarily will be entertained as to the best mode in which evidence can be taken. There are some who think that *viva voce* examinations before the Judge who is to decide the cause, who can by the presence of the witness observe his demeanor, is the only satisfactory mode. There are others who have had much experience of the examination of witnesses in open Court who have become sensible how often a witness is induced, either by his timidity or by the ingenuity of the counsel, to give a very erroneous impression of the evidence he intended to give, or of the true facts. There are some who think that an examination temperately conducted in a private room, and before a judicious examiner, may better arrive at the truth, than an examination in open Court. There are some who even prefer the old system of examination in the Court of Chancery. There are some who think that the examination practised in Doctors' Commons, arrives best at the truth.

2d. It is vain to expect in any system an absolute degree of perfection ; one mode of examination, for the reasons stated under the first head, will have, under particular circumstances, a more beneficial result than another may have under the same circumstances. A great deal may depend on the nature of the inquiry, and the character of the witness. A firm and truthful witness will endeavour, and probably be able, to speak the truth under any examination. A perverse or false witness may be better examined in open Court, and a nervous witness may possibly speak the truth better when quietly examined than when frightened or browbeaten, and something may depend even on the sex or age of the witness.

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- 3d. With reference to the foregoing observations, it appears to be particularly necessary to bear in mind that the general mode of business in the Court of Chancery must always be more or less different from the mode of conducting an action at law. The proceeding in Chancery might be so constituted, that every cause where there is any controversy as to the facts, should be conducted when at issue on the same plan as at Nisi Prius, either before a jury or before a Judge, who is to decide both law and fact.
- 4th. There is as much difference of opinion as to the expediency of questions purely of fact, being decided with or without a jury, as there is difference of opinion as to the value of one or other mode of taking evidence.

Bearing these preliminary considerations in mind, it then becomes necessary to consider whether, under the existing system of the Court of Chancery, it can be reasonably expected that a perfect system of examination, or anything like a perfect system, can be attained.

There may be improvements suggested and adopted; but there must be necessarily a limit to any such improvement, because there never can be a sufficient staff of Judges or examiners, nor can there be ever sufficient time devoted to any one cause, to enable a combination to be made of all the advantages of each system of examination. We believe that an open examination in Court in every case would be impracticable.

The view which we have thus expressed in general terms will be found to have a specific bearing on each of the questions submitted.

I. We consider that the ten defects enumerated, do to a certain extent exist.

1. The examiner has perhaps practically no power to determine with any certainty the materiality or relevancy of questions, and if the power were absolutely given to him without appeal, it might in some cases be an advantage, but it would more frequently be an injustice. An examiner, however well selected, can never have the capacity or experience which can insure a determination of absolute wisdom.

He cannot even in all cases judge of the materiality or relevancy of the question, because he has not the whole case before him. The pleadings are supplied to him, but they may not give him a complete view of the whole case, or of the nicety upon which the examination may turn.

We incline to think that the difficulty must be allowed to remain as it is. A clearly irrelevant or immaterial question is unlikely, and at all events only involves a loss of time. It is, perhaps, the safest course that questions should not be stopped, although they appear to be irrelevant. It is a choice of evils, and the least evil is to have a waste of time. It is a greater evil to have any evidence excluded by a particular question being thought to be irrelevant.

2. It appears difficult to prevent an examiner from refusing to take down matters which he conceives to be inadmissible, and yet the power to refuse may be used so as to have the effect of excluding the truth, though with no such intention on the part of the examiner.

There has been a frequent practice in the Common Law Courts to examine witnesses going abroad before the two junior counsel, with a shorthand writer, who takes down *verbatim* each question and each answer.

This has been found to work tolerably well. When an improper question is asked, the opposite counsel objects, his objection is noted, and the Judge decides on it at the trial. And so of any answer.

This leads to great length and expense, but it is much adopted, because on the whole it is approved.

It would perhaps be desirable that the examiner should be bound to take down the evidence. Its admissibility being left for decision by the Judge.

3. Evidence in the shape of narrative is open to the objection of not conveying to the Court the true effect of the examination. It, on the other hand, saves unnecessary length and expense.

4. This objection exists undoubtedly, and could only be cured by the course of an examination in open Court, which is perhaps more objectionable on other grounds, if not impracticable.

5. The opportunity given to a witness to correct his evidence is sometimes an advantage, where a man makes a mistake a little reflection enables him to correct it.

It may on the other hand be, and often is abused.

The question assumes, that men are often disposed more to falsehood than to truth, and it may be so in fact.

If a witness only means to tell the truth, there can be no objection to his having full opportunity to refresh his recollection.

If he means to favour the case of one party only, even at the expense of truth, he undoubtedly by postponement gets the opportunity of improving his evidence.

We hardly think this mischief, such as it is, to be worth considering.

6 and 7. The delay and expense from postponement can only be cured by increasing the staff of examiners to meet every demand.

The most obvious improvement, would be that the parties should be allowed as a matter of right to name as counsel, barristers or solicitors, who can be authorized to act and to be remunerated when chosen by the parties without having any fixed office of examiner, or without giving up the profession: this is often done at present and is very useful.

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8. This mischief can only be remedied by making the party who fails to attend, without good cause, to pay the expenses. But this remedy would give rise to endless discussions, and perhaps it is best to leave the mischief to be remedied as far as it can be by the good feeling of practitioners.

9. The power to commit is always to be viewed with great jealousy, particularly where the examination is not in open Court. There however appears to be no objection to give the Judge the power (if he have it not already) to commit on any contempt to the examiner.

10. A witness asking an unreasonable sum might also be dealt with by the Judge.

Both the above-mentioned remedies will, in their exercise, be very inconvenient. They will lead to waste of time and expense. But on the whole, it might be better that the remedy should exist. The mere knowledge of the power to commit may check the obstinacy of refusing to answer.

II. We have no further suggestions to make on this head of inquiry.

III. We think it would be necessary both as a salutary check on the examiner, and to prevent mischief from there being no appeal.

We have already stated, it might perhaps be better that the examiner should not have the power to decide ; but should take down the questions and answers, and let the Court afterwards decide.

IV. The appeal might be by a short petition to the Judges, stating the question in writing, and with such observations as necessary to establish the relevancy. We cannot see how the time can be fixed.

This appeal will tend to long discussions and expense, which will not bear on the real merits of the cause. But it cannot be otherwise if the examiner has the power to exclude evidence at all.

V. There might be several appeals, and it is difficult to avoid delay and expense. The only remedy is to make the appellant pay the costs if he fails.

VI. It may be impossible to determine relevancy without entering into some statement of the merits of the cause. And it might be necessary to have a fresh examination That must be determined by the appellate Judge.

VII. Undoubtedly, and therefore we think it on the whole best that the examiner should not exercise a judgment on the relevancy of the question.

VIII. We have so said at answer V.

IX. We cannot.

X. Yes, but what we have stated as to questions equally applies to answers.

XI. We think it would. If short-hand writers were employed they must be well paid, and if the examinations are to be paid for by folios, the expense will be very great. It might be said to be inordinate in most cases. If it were not for the expense we should think it the best mode.

XII. It would be important that the Judge should see the demeanour. It might almost be equally important that he should see every stage of the proceedings.

But we think each to be impracticable.

XIII. We cannot. If the examiner were to report, he might report the demeanour differently from the view that a Judge might take.

XIV. We doubt the practicability or expediency of doing it in all cases ; we doubt the means of making a proper distribution of cases.

We consider that on the whole the Court of Chancery must be deprived of the benefit which a Court of law has, unless every cause is to result in a Nisi Prius trial.

The only suggestion that we can make is, that the Judge in any case, if applied to, should exercise a judgment, and, if he chooses, have the witness examined before him at chambers.

XV. At Nisi Prius there is no appeal from what passes interlocutively in the course of the trial, unless there be bad law laid down, or improper evidence admitted.

If there be a question of the verdict being against evidence, the demeanour of the witness is sometimes not immaterial, and is represented by the Nisi Prius Judge to the other Judges and Barons ; but there is not in strictness any appeal. We think there could be no effective appeal.

XVI. We doubt the safety as already stated.

XVII. Yes.

We think it impossible to give any idea of the number of Judges until the experiment is tried.

XVIII. If the question is on an appeal on evidence as to the demeanour of the witness, we cannot see the propriety of an appeal to the House of Lords.

If there be an appeal, we see no alternative but to let the case come on in regular course amongst the appeals.

XIX. We think not ; and that inter alia is an objection to any appeal followed by a re-examination.

XX. We have discovered none in actions at law.

XXI. We think not.

XXII. We have partly answered this by suggesting examinations by counsel or solicitors chosen pro hac vice.

The present examiners are not enough.

XXIII. The object of the examination of a witness, who has made an affidavit, might be two-fold:—1st. To inquire more in detail into any fact stated. 2nd. To test the credibility of the witness who has made the affidavit.

To cross-examine a man on a specific fact, who is suspected of untruth, without giving some latitude of examination as to his general credibility, appears to be not enough.

We may observe, in conclusion, that we have found the present course of proceeding by affidavit in the first instance, and then by cross-examination, to be a great improvement, and we doubt, on the whole, whether there can be any better course of taking examination in the Court of Chancery.

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Messrs. Oliverson.

By F. Maples, Esq., Solicitor, June 6, 1854.

F. Maples, Esq

I.—1. I do not think this is an objection. It appears to me that the Court itself is the only power that can determine this question.

2. I think this is an objection, because he may be wrong in his conclusion; there is then no one way of discussing the question before the Court. I think he should take the evidence, and submit its inadmissibility to the Court.

3. This may be an objection in some cases, but not generally.

4. This is, no doubt, in many cases an objection, but there are so many cases in which witnesses are examined, under commissions before the Master at law, abroad, and otherwise, that it may be said to be an objection which cannot altogether be obviated.

5. I think this a great objection, but still it may not be considered altogether unreasonable that a party should be enabled to make the best of his case by bringing other evidence in support of that part of the case to which the evidence failed or is incomplete.

6. This is a very serious objection.

7. This is a great objection, because the expense of witnesses who live long distances off, in travelling, is increased by there being intervals in the examination.

8. I believe this is the case sometimes.

9. I have not much considered this question. It is giving great power to an officer of the Court less than the Judge, which may be dangerous. On the other hand, it is very prejudicial to the interest of parties if a witness cannot be compelled to answer.

10. This, no doubt, is sometimes the case.

I consider the greater part of the above defects exist. I have not remarked any others particularly; but having regard to the great expense incurred in the oral examination of witnesses before the examiner, I am very strongly of opinion that the Court itself should take the evidence upon the hearing of the cause, as at common law; and the more I have considered this question, having regard to all the defects before pointed out, time and expense also, I cannot but think the examination of witnesses by the examiner should be abolished. Of course, it would be necessary to appoint additional Judges, but even the expense of this would be slight, in addition to what would be saved by having all these matters determined by the Court itself.

The best mode of taking evidence that I have seen in practice is the examination of witnesses by commission before the Judges in India under a mandamus, but then they have all the experience of regular Courts to guide them, and, moreover, if there be a doubt upon the materiality of the question or the admissibility of evidence, they have the evidence taken *de bene esse*, reserving the questions and answers for the decision of the Court before whom the cause is to be tried. I do not mean that I have been in India, but that I have seen commissions returned. The evidence is in the form of question and answer.

I have been concerned in one heavy case of examination of witnesses before the examiner. One witness was under examination for six whole days at intervals; his examination was not then completed. There were eight counsel employed by the different parties, besides the various solicitors, both town and country. The examination up to that time, in its narrative form, occupied seventy brief sheets of paper; there were some hundred exhibits, and I calculate that the expense of the examination could not have been less than 100*l.* per day. The frightful expense, delay, &c. induced the parties to compromise, which is now being carried out. Supposing this case had gone on, I cannot tell how long the evidence might have taken; and then, upon the hearing of the cause, I think that much would be dispensed with, and much would not be required. This would be obviated by the Court itself taking it at the hearing, who might stop the examination or not, as it pleased.

II. I am inclined to think the principal objections are enumerated above, but as they comprise the three important questions of whether the evidence is properly taken, whether the delay is great, and whether the expense is not great also, it is hardly worth while to consider any small matter of detail.

I have only had experience in the examiner's office. I have not yet had a special examiner in any case, nor have I attended in the country.

III. I think they should; but nearly the same difficulty would occur, because the Court could not merely upon an interlocutory proceeding, as it were, have the case sufficiently before it.

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IV. This question of appeal is a very difficult one, involving also so much expense, that I am not prepared to suggest the best course. It could be obviated by my other suggestions.

V. Ditto.

VI. I should think in many, if not most cases, that the merits of the cause must be entered into to determine this question.

VII. Yes.

VIII. No.

IX. I do not see any mode of checking the questions, unless by the person determining the case generally.

X. I think that an appeal would be objectionable, and that the examiner should take down the evidence *de bene esse*.

XI. I am much afraid that considerable additional expense would be incurred.

XII. Not in the majority. In some highly desirable.

XIII. None. No person can, in my opinion, properly convey to another the impression that the demeanour of the witness may make upon him. The Judge himself is the proper person, who has the whole case before him.

XIV. Yes, I think in all cases, by having additional Judges.

XV. Perhaps not; but if the re-examination upon appeal be necessary, it is better than the present system.

XVI. I think not.

XVII. I think not. There would be so few cases, comparatively, turning upon facts in which witnesses were examined before the Court below that would be appealed.

XVIII. I do not see how this could be done, unless there were an entirely new system of hearing appeals in the House of Lords.

XIX. This is, no doubt, a difficult point, and one requiring great consideration. It is right, no doubt, that upon an appeal (quasi appeal) this same evidence should be used. But as in the case of a new trial at law any new evidence can be admitted, why not in equity? Of course there must be some new system as to costs.

XX. No.

XXI. No.

XXII. If the Court take all evidence, there is no necessity to consider this.

1. Then by the appointment of additional examiners,—four at least.

XXIII. I am not prepared to give an opinion upon this.

I have answered these questions as requested. It is much easier to find a defect, or admit a defect, than suggest a remedy. I think the principle of oral examination to be too valuable to be altered, and I see no way in which it can be properly carried out except as above mentioned.

R. Armstrong, Esq.

By Richard B. Armstrong, Esq., Solicitor, June 6, 1854.

I have read and re-read over many times these questions, and at last have come to the conclusion that it will tend to no good to answer them in detail; for even supposing that good and feasible answers could be given to the different objections here mentioned, human ingenuity is such, that the rules attempted to be laid down would be broken through, and new ones would have to be framed so often, that, at last, it will come to what must, in my judgment, sooner or later, take place, namely,—publicity; for it is only from publicity that judges, counsel, solicitors, and witnesses are kept in order.

In my humble opinion, the best plan will be to constitute a Court for the examination of witnesses in equity, consisting of three Judges, the Chief a Queen's Counsel, and two Puisne Judges behind the bar, of not less than ten years standing, to be open to the public. Let the Court sit regularly, as often as there may be business. I would not expect them to sit always together, except in difficult cases, when a Judge may wish to have the opinion of his brethren; but in common cases let each Judge have a separate room to himself, and take the evidence in any cause which may be set down before him.

I would allow an appeal from the examiner to the Master of the Rolls, and Vice-Chancellors at chambers only.

I think the examiner should have the power of judging of the materiality of the evidence subject to an appeal.

The examiner should also have the power of committing a witness for refusing to answer.

Also of fixing a reasonable sum for expenses before giving his testimony; and that he should have power to fix the day for closing the evidence in each case.

In case of parties not keeping their appointments, the examiner to have power to make the party so failing pay the costs of the day to the other party.

I would also suggest that in all cases (if the power is not already given) that when the cause comes on for hearing the Judge should have the power of examining any witness orally, notwithstanding he may have been examined previously by the examiner.

When the examination of witnesses is to be taken in the country, I would appoint the Commissioners in Bankruptcy and County Court Judges the Commissioners, with the

same powers as before-mentioned, and subject to an appeal to the Master of the Rolls and the Vice-Chancellors.

No doubt the defects pointed out do exist, but it is very difficult to suggest any mode of remedying them which would not be again broken through. Publicity, as I said before, would go a long way to do this, though it might perhaps not do it effectually; but still I think it is the best course.

I am not able to answer the other questions down to XXIII., with that particularity which is desirable, I must, therefore, content myself with having made the above suggestions, such as they are.

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R. Armstrong, Esq.

By Michael Smith, Esq., Solicitor, June 6, 1854.

M. Smith, Esq.

I. I think that the points here detailed, and numbered 1 to 10 inclusive, fairly represent objections stated to exist in the examiner's office, and I believe that they do exist to a great extent; but I have not lately had experience in this office, as I avail myself of the mode of taking evidence by affidavit, and do not meet with much dispute on facts. I think the remedies for what is complained of are these:—

1. To increase the staff of examiners and their powers, especially in reference to the objections 1, 9, and 10.
2. To have evidence taken before the Judge who is to decide the cause, and that the oral evidence should be so taken upon the request of either party to the record, who may be interested in the evidence.

III. I think that the examiner should have the power here suggested, and that the suitor should have an appeal from his decision.

IV. V. VI. and VII. I think that it is better that all questions arising out of an examination should be the subject of appeal when it is concluded. No doubt but that the merits of a cause are sometimes partially entered upon in discussing points of evidence, but not more than is constantly the case on motions and petitions.

I am not prepared to suggest that the examiners should decide the matter referred to in these questions, although there would be some advantage in this power being given to them, and, possibly, if the examiners were strengthened, two of them might summarily, and at little expense decide upon any or most of the points of evidence.

VIII. and IX. I do not think that the penalty of costs is sufficient check to the evil here suggested, but no other remedy occurs to me.

X. I think that there should be an appeal in the case here suggested.

XI. I think that question and answer should be written down, because it is very essential to be able to judge whether a witness answers directly or evasively, or whether he answers part and evades part, and what part, of a question. Evidence so taken, would in my opinion, extend to a very expensive, but I do not think that it would be an unnecessary length.

XII. Not in the majority of cases; but in many cases, I think it very desirable that the Judge who decides a cause should see the witness, and have his evidence given in his presence.

XIII. I do not think that any mode exists.

XIV. I would suggest, if it has not already been done, that a return be obtained of one hundred original causes set down for hearing, showing the evidence in support of each, classified into the following divisions—oral, documentary, and by affidavit; the result would enable the commissioner to form a tolerably accurate opinion of what each Vice-Chancellor would have to do in taking oral evidence in those causes when it might be required as suggested. Nos. 1 and 2. I think that the plan would be found quite practicable.

XV. I think not.

XVI. I do not think that the Court of Appeal should decide a case upon notes taken by the Judge by the Court below.

XX. I do not think that any rule can be laid down for this purpose.

XXI. and XXII. See answers to questions 1 and 2. I think that an appointment of two additional examiners would be the preferable course.

XXIII. If a witness tenders his own statement by affidavit, I think that the ends of justice require that he should be subject to an open cross-examination not limited to the matter of the affidavit.

By Messrs. Church and Son, Solicitors,—June 9, 1854.

*Messrs.
Church and Son.*

I. WE consider that all the objections which have been stated to the present system by taking evidence in the examiner's office, as set forth in the introduction to this question, exist.

II. That it being impossible at the early stage a cause is in, when before the examiner, to foresee the main points upon which the case will turn at the hearing, a prudent solicitor is, in a great number of instances, obliged to have a mass of evidence taken, at a heavy expense, which ultimately turns out to be, to a very great extent, immaterial.

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The existence of this defect is illustrated by the well-known fact that the evidence which is actually read at the hearing of a cause, forms a very inconsiderable portion of that which has been taken. Facts and circumstances which were contested before the examiner, being conceded and admitted by counsel.

The defects which have occurred to us are :—

1. The proof of formal matters relating to deeds, letters, &c., not being subject to the same rule as at law, where a party may be called upon to admit, at the risk of having in any event to pay the costs incurred, which may be occasioned by refusal.

2. That the examiner has the power of excluding a person who has been subpoenaed as a witness, from being present during the examination of other witnesses, and cannot compel the party who has subpoenaed him (possibly only with the view of his exclusion from the room) to call him as a witness. The examiner can only judge whether such person is to be called, from the fact of his having been subpoenaed.

In a case within our knowledge, it was most important that a defendant should have been present to instruct his solicitor. In order to prevent this, the other side subpoenaed him without any intention of calling him as a witness, for the sole purpose we have before suggested, of preventing his being present during the examination of the other witnesses.

We consider that in cases similar to the above, a party subpoenaing a witness should be obliged to call him as *their* witness.

Suggestions as to the mode of remedying the defects which have been stated to the present system.

1. That in all cases, parties should have the power of calling on the other side to admit deeds, letters, papers and documents to have been executed, written, and sent, as they respectively purport to have been, (saving all just exceptions to their admissibility in evidence) as at common law, and that upon a refusal or failure to admit, the proof should be taken by the examiner, and that at the hearing of the cause the judge should have the power, if in his opinion the refusal or failure to admit was unreasonable, to visit the party so refusing with the costs of proof, whatever the result of the cause might be.

2. That in matters of formal proof, or where the mode next suggested is not asked for or is not granted, the evidence should be taken by the examiner or by affidavit.

3. That in all cases where the solicitor of a party having a substantial interest in the matter in issue, shall make an affidavit that in his judgment and belief it is necessary for the proper decision of the cause that the evidence should be taken before the Court, such affidavit being corroborated by the certificate of counsel, who shall therein state that he has advised upon the evidence in the cause, the evidence should be taken in that mode.

III. If the alterations which we have suggested were adopted, it would not be necessary to confer on the examiner any new power to determine these points. Under the present system we decidedly think he should not have any further powers, because we consider that he has not the materials before him properly to determine these points.

IV. V. and VI. Answered in Number III.

VII. Most certainly this is so.

VIII. IX. and X. We think that the present power would be sufficient, if it were extended as suggested by us to the admission of documents, &c.

XI. The bulk of evidence would be so much diminished by the mode suggested by us, that this difficulty would very seldom arise, but we think that upon the request of either party the examiner should be obliged to take down question and answer.

XII. Not in the majority, but in cases of conflicting evidence only.

XIII. No.

XIV. We think that in the cases and in the manner suggested by us, it is quite practicable.

XV. XVI. We think that in most cases the Judge's notes and his report to the Court of Appeal as at law, would be quite sufficient, but if the Court of Appeal should desire to see the demeanour of the witness, was of opinion that the witness should give further evidence, there might be a fresh examination of any particular witness. We think, also, that there should be a regularly appointed short hand writer to take down the evidence, and that in case of appeal, he should furnish a transcript of the evidence, which the Judge hearing the cause might, if necessary, correct. We think that either party should, within a particular time, a week for instance, state whether he would require this transcript so that it might be made whilst the matter was fresh in the memory of the short hand writer.

XVII. XVIII. The present Court of Appeal would, we think, be sufficient. We think the instances of a rehearing of the evidence would be few, and that the number of appeals would be lessened by the improved system of taking evidence as above suggested.

XIX. In the case of a rehearing of the evidence, we think that the Court of Appeal should have the fullest powers as to costs and terms upon which fresh evidence should be allowed to be adduced. We do not think that fresh evidence should be altogether excluded, because justice might thereby be defeated. In the case of a witness altering or adding to his testimony, of course it would affect his credibility.

XX. The causes in which the evidence was to be taken *vivâ voce*, should be marked as *vivâ voce* causes in the registrar's book. On cause days, a certain number only (say two) *vivâ voce* causes should be placed in the paper. Such *vivâ voce* causes to take precedence

of all other causes. We do not consider that the number of *vivâ voce* causes should be so great as to cause any practical difficulty.

XXI. XXII. At present we think not, but if altered, as suggested, we think it is. The system of special examiners in rotation, we think would be replete with inconvenience, as we believe is to be with the system of conveyancing counsel in rotation under the present practice.

XXIII. Certainly not.

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Messrs.
Church & Son.

By John Turner, Esq., Solicitor, June 15, 1854.

J. Turner, Esq.

1. I do not consider that the want of power in the examiner to determine on the materiality or relevancy of questions put, is a defect or an objection to the present system of taking evidence; to give such power would in effect be authorizing the examiner to hear the cause, and would be attended with many difficulties.

2. In practice I have found this to be so, and if this power is retained, there would appear no reason why the examiner should not have the additional power of determining the relevancy of questions put to witnesses. I think that the power should be withdrawn from the examiner, although it will only be adding to an evil to which I shall hereafter advert.

3. I do not concur in the opinion that by taking down the evidence in the form of a narrative, the true effect of the examination is not conveyed to the Court; undoubtedly the duty of the examiner is more difficult than under the old system, as the questions put during oral examination are frequently not very intelligible to the witness or to the examiner, and it is often difficult, without the delay arising from a repetition of question and answer in a different form to understand what has been meant. The true testimony of the witness is however obtained and preserved in the form of a narrative better than by question and answer. There is not that unfair catching system sometimes adopted by counsel in courts of common law, where a witness from want of understanding a question gives an answer not accurate, and meets with difficulty if he attempts an explanation. In the examiner's office the question and answer is repeated or read to the witness, and the deliberate answer recorded in the form of a narrative. In my experience justice is better promoted by this system, and the danger of perjury is infinitely less than if the common law practice were followed.

4. This is so, but it is unavoidable. The many applications for new trials at common law, and the number of rules absolute obtained in cases where it is alleged the verdict is against evidence, satisfies me that the judges regard the testimony of a witness and not his demeanour; and unless there is direct conflict or evidence to impeach credibility or marked improper behaviour, the demeanour of a witness is but little regarded. In my observation of witnesses at common law I have seen a nervous witness, perfectly truthful, and of unimpeachable veracity, by the address of counsel prevaricate and become confused during his examination, while an easy-going man of the world has disguised the truth and escaped observation by his quiet and apparently straightforward behaviour. There are instances, however, in which the witness should be specially reserved for examination by the Court, but they are of rare occurrence, and should only be so on a certificate from the examiner.

5, 6, 7, and 8. I fully admit the defects mentioned, and it is difficult to provide a remedy without entirely altering the present system of taking evidence.

9. I do not think that the power to commit should be confided to the examiner. He should certify the fact to the Judge of the Court having the control of the cause, upon which any party interested might obtain an order to commit. Suppose a question put which the witness was by law protected from answering, an examiner who had not heard counsel on the merits of the cause, might miscarry and commit a witness improperly, and he as an officer of the court would be protected from an action. The power would in my opinion be dangerous.

10. I have not myself experienced any difficulty by reason of a witness demanding an unreasonable sum in the name of expenses; but if such difficulty exists and has been experienced by others, a remedy should be provided by a general order of the Court, fixing the scale of allowance, in like manner as prescribed in the courts of common law.

11. The only other evils of the present system which have come under my observation, other than those enumerated, are the great length and immateriality of portions of the evidence taken, and the consequent increased expense to the suitor. So great are these evils that in my opinion they more than counterbalance the benefits obtained by recent improvements in other parts of the procedure of the Court.

I have had very great experience in Chancery proceedings, and the result of such experience is a conviction that the alterations made in the mode of taking evidence are too extensive. The object of every judicial tribunal must always be to ascertain truly the facts on which adjudication is sought.

The most powerful method of ascertaining truth and of exposing falsehood is that of cross-examination of witnesses; and, under proper regulation, this right in the suitor and the Court is amply sufficient to obtain substantial justice. The objection to the old method of taking evidence in equity consisted in the limited means possessed of properly

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cross-examining a witness. The examination being secret it was next to impossible to know what questions to ask ; and had this evil only been remedied, I think that the old system would have worked better than the present.

There was great advantage in having the witnesses in chief examined on written interrogatories, irrelevant questions were avoided, and the very great increased expense which the opposite system has entailed was saved.

The remedy which I would suggest to meet such evils to which I have adverted are,

1. As a general rule, to have the evidence in chief taken on written interrogatories, and to enable counsel to prepare interrogatories, a fee should be allowed to the solicitors for getting up and furnishing minutes of evidence and the names of witnesses.
2. To allow the cross-examination to be either written or oral, at the option of the cross-examining party ; but if oral, to permit a re-examination, either by the examiner or by the solicitor by his permission, on any point arising on cross examination requiring explanation.
3. No alteration or addition to an examination in chief should be permitted after cross-examination.
4. The attendance of counsel before the examiner should be abolished, and a proper fee allowed each day to the solicitors attending during the examination.
5. The present plan, by which a party seeking to cross-examine a witness who has made an affidavit is compelled to pay such witness's expenses in the first instance, should be altered (*vide* 15 and 16 Vict. cap. 86, sec. 38). The effect is almost entirely to exclude evidence by affidavit, unless by arrangement, which in practice I have adopted, the rule is reversed, and an undertaking given to produce any of the deponents for cross-examination at the expense of the party filing or procuring the affidavit.
6. Power should be given to the examiners to put questions to a witness not in the interrogatories, if the examiner shall think proper, and that the same are necessary or may be material to the facts in issue in the cause.

The above suggestions, if carried into effect, would, I believe, prove a remedy for several existing defects.

There may occur special cases in which an oral examination of witnesses will prove desirable, and whenever such cases arise, I conceive that such examination should take place at or before the hearing of the cause in open Court. Suppose that the case depends on the testimony of scientific witnesses, who usually take different views and give totally opposite evidence. In such a case, the demeanour of the witnesses, the refined explanations likely to be given, and other circumstances, may be material to be seen and heard by the Judge, who will have to balance the evidence. Such cases, however, are very rare, and a party desiring to have an examination at the hearing should satisfy the Judge, by affidavit, that some circumstances exist which render a departure from the general rule I have before recommended expedient, and an order should be made in each case by the Judge for such examination of witnesses to take place at the hearing.

In all such special cases I would suggest that the examination of witnesses take place before the plaintiff's counsel opens his case, and that a copy of the pleadings be some time previously delivered to the Judge.

III. If the examiner had power to determine on the materiality or relevancy of questions, it would create great dissatisfaction, unless the right of appeal to the Court were given to the suitors, and, in my opinion, it would be necessary that such right of appeal should be given.

IV. The party desiring to appeal should at the time reduce the question into writing, together with the grounds on which he considered it material, and the examiner should certify the question and the grounds on which he considered it immaterial. If the parties were willing, the Judge might, upon reading the certificate, decide the point, and direct the question to be put to the witness, or not, as might appear proper, or the party might have leave to discuss the matter in open Court.

V. It is not only possible, but very probable, that there would be several appeals in the course of one examination, and it would not, in my judgment, be practicable to have such appeals heard without great delay and expense. The time of the Court would to a considerable extent be wasted in hearing such appeals. It should also be borne in mind that a considerable portion of the time of the examiner would be taken up in discussions before him, an evil likewise to be avoided.

VI. If the appeal were made after the examination, it would, in my opinion, be necessary to have a fresh examination, and undoubtedly, in many cases, the merits of the case would have to be entered into, in order to determine the question.

The Court would, in fact, be driven to the only alternative of relying upon a certificate by counsel, to the effect that, in his opinion, the question was material, in order to avoid what would prove a great loss of time.

VII. It has not occurred to me that questions which at first sight appear immaterial sometimes become, from subsequent evidence, of importance. I have not myself so quickly arrived at a conclusion without a full knowledge of the merits of a case. To a stranger, however, this must be different, and frequently such questions, at one time apparently

immaterial, have from a better acquaintance with the merits appeared subsequently to be, as they are in fact, important questions.

Immaterial questions in the very nature of things must arise from oral examinations. The examining party has no previous opportunity of arranging and classifying his questions so as to render them pertinent, and the license allowed from this want of opportunity necessarily gives occasion to numerous questions totally foreign to the subject.

VIII. I do not think that the power of the Court to direct the costs of irrelevant evidence to be paid by the party occasioning it, is a sufficient check upon the unnecessary consumption of time by immaterial questions.

IX. I cannot suggest any other check.

X. I think there should be a right of appeal in all cases in which the examiner declines to take down matter which he considers not evidence; but in every case in which the examiner in the opinion of the Court was correct in his determination, the Court should have power to award the costs to be borne personally by the solicitor of the appealing party. I do not consider that a solicitor who is not acquainted with the rules of evidence is a properly qualified practitioner; and such a power in the Court would prevent any frivolous appeal.

XI. I think that in a great majority of cases, extraordinary expense would be incurred by taking down the evidence in the shape of question and answer, and the length would be more than doubled.

XII. I do not think it important, in the majority of cases in the Court of Chancery, that the Court should see the demeanour of the witness.

XIII. I cannot suggest any mode by which the Court may be made acquainted with the demeanour of a witness, other than by the examination taking place before the Court itself.

XIV. I do not think that it would be practicable in all cases, for the Court itself to take the evidence orally. If the present number of Judges was fourfold that of the present, it would be impracticable.

In very special cases, such as a forged will or deed, forming the issue of the cause, the Court might hear the evidence throughout; or any particular witness might, from the importance and nature of his evidence, be taken in open Court.

XV. I do not think that it would be practicable to give an effective appeal from the Court deciding upon an oral examination of witnesses, without a re-examination of the witnesses orally before the Court of Appeal.

XVI. It might be safe to instruct the Court of Appeal with a power of deciding a cause upon notes taken by the Judge in the Court below, without a re-examination of witnesses, but it is probable that the appellant parties would be dissatisfied with the decision. I should prefer evidence taken down by the examiner.

XVI. I think that two more Courts of Appeal would be necessary to keep down the arrears of appeal causes, if the evidence was re-taken orally before the Court of Appeal.

XVIII. In such case, I do not conceive it possible for an appeal to be made to the House of Lords with any prospect of a speedy decision.

XIX. If witnesses who had been examined in the Court below, were re-examined before the Court of Appeal, I do not think it would be practicable to prevent fresh evidence being given to meet particular points, in which the party may have failed in the Court below, or to prevent a witness altering his testimony in order to meet some points on which the Judge of the Inferior Court may have founded his decision. The Court would be unable to control counsel in the examination or the witness in the answer.

XX. I cannot suggest any mode by which the expense of retaining the witnesses in attendance on the Court until the hearing of the cause in which they were witnesses could be obviated.

XXI. I think the number of examiners insufficient for the transaction of the business confided to them.

XXII. I would suggest that two additional examiners should be appointed.

XXIII. I consider that the cross examination of a witness upon an affidavit made by him, should be confined to the matter of the affidavit. Any examination beyond, should be taken as an examination in chief upon new matter, in which it should be considered that the cross examining party had adopted the witness.

By Richard D. Craig, Esq., Queen's Counsel.—June 16, 1854.

R. D. Craig, Esq.

I.—1 to 10. I think that all these defects exist, and that most of them are incurable, under the present system of examination.

III. Certainly; but the great difficulty of providing for an appeal is a strong objection to the continuance of the present mode of examination.

IV. Immediately, or the next day, to the Judge to whose Court the cause is attached, if sitting.

V. Upon a short previous notice; the Judge might appoint an hour, or half an hour in Court, to which the examination might be adjourned without much, if any more expense, though it ought to be at the risk of being ordered to pay some costs as a penalty for frivolous objections.

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VI. The merits of the case must be explained; but if the junior counsel on each side were to adjourn from the examiner to the Judge in chambers the same afternoon or the next morning, fresh examination of witnesses might be avoided.

VII. Occasionally, but rarely.

VIII. No; but a limited power to award costs, as a penalty, might be.

X. Yes, as in case of refusal to allow questions to be put.

XI. No.

XII. Yes, in all cases in which any question turned upon conflicting testimony, or a conflict between answer and testimony; but those cases are comparatively few.

XIII. No.

XIV.—1 and 2. In cases in which upon affidavits of merits, there was a conflict between testimony and testimony, or between answer and testimony, and in all cases in which a witness refused to testify by affidavit.

XV. I think this might be left to the Court of Appeal to decide, if that Court never consisted of less than three Judges sitting together, but not otherwise.

XVI. The answer to the last question, will, I think, apply to this also.

XVII. I think not, if the oral evidence were limited, as before suggested.

XVIII. The appellate jurisdiction in the House of Lords, as at present constituted, is of very little practical use to the Court of Chancery.

XIX. No; but the same evil must attend new trials at law.

XX. None, except that of examining *vivâ voce* only, in such cases as before mentioned.

XXI. XXII.—1, 2. If the present mode of examination is to be continued, there ought to be several additional examiners.

XXIII. I think not.

F. Walford, Esq.

By F. Walford, Esq. Barrister, June 21, 1854.

The present system of taking evidence in the examiner's office having only existed for a period of less than two years, and the cases (comparatively speaking) being so few in which the evidence is taken on the oral examination of the witnesses, I scarcely feel myself competent to express a well founded opinion on several of the subjects referred to in questions numbered 1 and 2, and I have considered it my duty to remark only on such of them as have come under my own observation.

I., 1. In my opinion the examiner ought not to have the power of determining the materiality or relevancy of the questions put. And I consider that if he had such power his decision ought to be open to an appeal. With the full knowledge of the facts of a case, it is occasionally difficult at first to see the bearing of a particular question put by the other side. And I think the penalty of costs (which should be strictly enforced) is the best check that can be adopted to prevent parties from going into immaterial or irrelevant matter; certainly instances occasionally occur of the inefficiency of such a check, but this in my opinion is productive of far less mischief than might result from an erroneous suppression of any evidence tending to elucidate the truth of the case.

2. I think evidence which the examiner considers inadmissible ought to be taken down at the request of the party tendering it, accompanied by a note of the examiner showing that an objection to its admissibility had been taken, leaving the party tendering it subject to the penalty of costs, if at the hearing the Court should hold the same to be inadmissible.

3. I certainly consider that from the evidence being taken down in the form of a narrative the true effect of the examination is not conveyed to the Court.

4. In some (but so far as my experience enables me to form an opinion in very few) cases, it is important that the Judge who has to consider and decide on the evidence should see the demeanour of the witness. I would venture to suggest, that in cases in which the examiner considered the demeanour of the witness of importance, he might recommend the examination of the witness at the hearing.

III. See remarks on Question I. No. 1.

IV., V., and VI. There would in my opinion be great difficulty in the way of efficiently providing for an appeal against the decision of the examiner on questions of relevancy or materiality. It would I consider in some cases be necessary to enter into the merits of the cause in order to determine such questions.

VII. It has,—but the importance of the question is sometimes apparent to the opposing party who is acquainted with the merits, when at first it may not be so to strangers. I can remember but one case in which I have observed this in cross-examination, but I should think it frequently occurred.

VIII. and IX. See answer to Question I. No. 1.

X. Unless evidence which the examiner may consider inadmissible be taken down as suggested in my remarks on Question I. No. 2, I think the party tendering it should have an opportunity of appealing. But the difficulties and delay that would result from such a right of appeal, induce me to consider the mode suggested by me of dealing with such cases the best.

XI. In some cases, where the evidence is taken by way of question and answer, it certainly creates great expense. But the evil arising from the expense attending that

mode of taking evidence is in my opinion far more than counterbalanced by the greater probability of bringing before the Court the truth of the case.

XII. So far as my experience enables me to form an opinion, I should say there are but few cases in the Court of Chancery in which it is important that the demeanour of the witness should be seen.

XIII. See my observations on Question I. No. 4.

XIV. I do not think it would be practicable that evidence should in all cases be taken orally before the Court, but I consider that the Court should always have the power to examine witnesses orally if it should think fit so to do. Such power might be exercised either upon an intimation of the examiner of its being desirable in the case of any particular witness, or where under special circumstances the Court might think fit.

XV. I think not.

XVI. When the demeanour of a witness is such as to be of importance in testing his credibility, I think the same necessity exists for the Court of Appeal seeing such witness, as for the Judge in the Inferior Court to do so.

XVII., XVIII. I scarcely feel competent to express an opinion on these questions.

XIX. Upon a mere appeal, I think a case ought to be heard in the Superior Court, as nearly as possible under the same circumstances, as in the Inferior Court, and that, therefore, fresh evidence ought not to be received. But of course, if the witnesses are examined orally before both Courts, this rule cannot be strictly adhered to.

XX. I cannot.

XXI. I do not feel competent to answer this question.

XXII. If the number of the examiners be not sufficient for the due despatch of the business of the Court, then, in my opinion, this should be remedied by the appointment of additional examiners. There are, I consider, many objections to practising members of the profession acting as public officers of the Court.

XXIII. I think not.

I take the liberty of suggesting the possibility and propriety of some plan by which each party in a suit should, at a certain stage of the proceedings, be bound to deliver a statement of the facts and documents he purposes to prove, and the mode in which he desires to prove the same, either by affidavit or oral examination. And then unless the parties agree as to the mode in which each fact or document is to be proved, the same should be submitted to the consideration of the Judge in chambers, or in Court when requisite. And that oral evidence should be taken before the examiner only in cases when the parties so agree, or the Judge so directs, and not as at present, at the mere election of either party.

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F. Walford, Esq.

STATEMENT RELATIVE TO THE CHANCERY REGISTRARS' OFFICE, FOR THE COMMISSIONERS FOR INQUIRY INTO THE PROCESS, PRACTICE, AND SYSTEM OF PLEADING IN THE COURT OF CHANCERY.

Statement relative
to the Chancery
Registrars' Office.

The Acts of Parliament regulating the Office* are:—

1st. The 3 & 4 W. 4. c. 94. (the Chancery Regulation Act of 1833).

2dly. The 5 Vict. c. 5., abolishing the Equity Exchequer, and creating two additional Vice-Chancellors, 1841.

3dly. The 14 & 15 Vict. c. 83., for appointing the Lords Justices, 1851.

ESTABLISHMENT.

The establishment of this Office (as reconstituted by the first of the above Acts, in 1833) consisted of six Registrars and eight Clerks; but by the second of the above Acts, in 1841, the establishment was increased to ten Registrars and fourteen Clerks; and by the third-mentioned Act, in 1851, an additional Registrar was appointed; but the number of Clerks was not then increased, and the establishment at present consists of *eleven* Registrars, *fourteen* Clerks, and *two* Bagbearers.†

By the 5 Vict. c. 5. s. 42. the Lord Chancellor is empowered to appoint additional Clerks to the Registrars.

APPOINTMENT OF CLERKS.

Prior to the passing of the Act of the 3 & 4 W. 4. c. 94., commonly called "Lord Brougham's Chancery Regulations Act," the Clerks to the Registrars were appointed by the Registrars,—the Registrar in whose department a vacancy occurred appointing the new Clerk,

* In Mr. Hardy's Catalogue of the Officers of the Court of Chancery, f. 118, will be found a statement with reference to the Registrars' Office, and a list of the Registrars and Deputy Registrars from an early period.

† The duties of the Bagbearers are stated by Mr. Leach in his evidence before the Committee on Fees.—*Vide* Report, 1848, Answer 91.

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by articles of clerkship, "to be his Clerk for so long as he should behave himself well in discharge of his duty, and diligently and faithfully serve the said Registrar in his business, in the capacity of his Clerk." The Clerk thus appointed continued to serve under the same Registrar or his successor, or under one of the other Registrars to whom he might be assigned over, until he himself succeeded by seniority to the office of Registrar.

By the fifth section of the said Act of the 3 & 4 W. 4. c. 94. the power of appointing the Clerks was transferred from the Registrars to the Lord Chancellor, by whom all the present Clerks in the Office were appointed, with the exception of the second and third Clerks, who were transferred from the Court of Exchequer, on the abolition of the equity jurisdiction of that Court by the Act 5 Vict. c. 5.

PROMOTION AND RIGHT OF SUCCESSION.

By the 38th & 39th sections of the last-mentioned Act 5 Vict. c. 5.) it is provided that (subject to certain provisions as to the succession of the Registrars and Clerks appointed in consequence of the abolition of the equity side of the Court of Exchequer) on the death, resignation, promotion, or removal of any of the Registrars and their Clerks, the vacancy thereby occasioned shall be filled up by the Registrar or Clerk next in seniority, to whom no sufficient objection to the satisfaction of the Lord Chancellor shall be made.

By the 5 Vict. c. 5. s. 45., the Registrars and Clerks have also a vested right of succession by seniority to the office of Master of Reports and Entries.

By a Bill introduced into the House of Lords during this Session called "The Despatch of Business, Court of Chancery Bill," the Office of Master of Reports and Entries is proposed to be abolished, and the right of succession is to be taken away, without any provision whatever for compensation in respect thereof.

TENURE OF OFFICE.

By the 48th section of the same Act it is enacted, "That the Registrars and Clerks to the Registrars shall hold their respective offices during their good behaviour, and so long as they shall personally give their attendance upon their respective duties, and shall conduct themselves honestly and faithfully in the execution of the duties of their said offices respectively."

REMOVAL.

By the 49th section of the same Act it is enacted, "That it shall be lawful for the Lord Chancellor, with the concurrence of the Master of the Rolls and the Vice-Chancellors for the time being, or any two of them, by any order, to remove from his office any officer for the time being of the said Court of Chancery holding office during good behaviour (other than a Master in Ordinary), for some sufficient cause to be in such order expressed."

CONTROL.

By the ancient custom and present practice of the Office, each Registrar has the immediate superintendence of the Clerk attached to him, both as respects his attendance and the transaction and regulation of his business; and in case of misconduct, the Registrar might represent the circumstance to the Lord Chancellor, who, with the concurrence of the other Judges, or any two of them, would have the power of removing such Clerk, under the said Act 5 Vict. c. 5. s. 49.

By the like custom and practice of the Office, the senior Registrar has always been considered the head of the office, and the person responsible for the general management and superintendence; but he has no authority over the other Registrars, nor any power to interfere with them in the transaction of their separate business, other than such as would naturally be derived from his position as the senior and most experienced of the Registrars. The three junior Clerks not being attached to any particular Registrar, have been more immediately under the superintendence of the senior Registrar.

QUALIFICATION.

By the 5 Vict. c. 5. s. 45., the qualification to enable a person to be appointed as Clerk to the Registrars is, that he shall have been admitted and entered on "the roll as a solicitor or attorney," or "shall have duly served a term of not less than five years under articles of Clerkship" to a solicitor or attorney.

There is no statutory limitation with respect to the age of any person at the time of his appointment. The two last vacancies have been filled up by persons under twenty-five years of age, and as the average period of service as Clerk is *twenty years*, it is in all respects desirable that the Clerks should enter the Office early in life, and some statutory provision might perhaps be advisable in this respect; and if these appointments were to be offered as a reward to the persons who shall have passed the best examinations prior to their admission as solicitors, it would tend to secure the appointment of young men of superior intelligence and ability for the Office.

SALARIES.

The following is the scale of the Salaries of the Registrars and Clerks:—

	£		£
1st Registrar	- 2,000	1st and 2d Clerks	- 800 each
2d, 3d, and 4th do.	- 1,800 each	3d, 4th, 5th, and 6th do.	- 600 "
5th, 6th, 7th, and 8th do.	- 1,500 "	7th, 8th, 9th, 10th, and 11th do.	400 "
9th, 10th, and 11th do.	- 1,250 "	12th, 13th, and 14th do.	- 300 "
5 Vict. c. 5. s. 52., and 14 & 15 Vict. c. 83. ss. 22, 23.			

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WRITING.

By the 5 Vict. c. 53. s. 53., and the 14 & 15 Vict., c. 83., s. 22., the Registrars, in addition to their salaries, are allowed 100*l.* per annum each, to defray the expenses of writing and copying the decrees and orders, and the minutes thereof.*

RETIRING PENSIONS.

Both the Registrars and Clerks are entitled to Retiring Pensions, regulated by length of service, according to the scale referred to in 15 & 16 Vict. c. 87. s. 46., and *vide* also the 5 Vict. c. 5. s. 56., and the 16 & 17 Vict. c. 98. s. 11.

HOURS OF ATTENDANCE.

The hours of attendance were formerly from 10 A.M. till 2 P.M. in the day, and from 5 P.M. till 8 P.M. in the evening; but when the Master of the Rolls ceased to sit in the evening, and the solicitors discontinued attending to business at chambers at such late hours, the Registrars and Clerks gave up the evening attendance, and the business of the Office was transacted with the solicitors during the hours the Office was open, from 10 A.M. to 2 P.M.

In January 1844, on the representation of many of the solicitors practising in the Court that it would be an accommodation to them if the Office were opened to the public from *eleven* to *three* o'clock, instead of from *ten* till *two* o'clock, Mr. Colville (then senior Registrar), with the sanction of Lord Lyndhurst (then Lord Chancellor), directed that the Office should be kept open for general business till 3 o'clock P.M.

This concession was accompanied by a notification or request that (except in cases of necessity) the Registrars and their Clerks should not be interrupted by applications before 11 o'clock.

The Clerks are expected to attend from 10 A.M. till 3 P.M., and to remain as much longer as may be necessary to finish their business for the day.

The Office is open for the inspection of the Cause Books and papers from 9 A.M. to 3 P.M., and from 5 to 6 P.M.

The business of the Office varies very much at different periods of the year, and the attendance of the Registrars and their Clerks beyond the hours during which the Office is open for public business is regulated by the business which they have to dispose of, and their full attendance varies from five to eight hours per day.

The Registrars and their Clerks also frequently find it necessary to take papers home with them and work in the evening, in order to expedite the business, and avoid the interruptions occasioned by the constant applications of the solicitors, which render it impossible to attend to matters which require prolonged attention at the Office.

DUTIES OF REGISTRARS AND THEIR CLERKS.

By an order of the Court, dated the 4th day of July 1850, the Registrars were directed to attend in Court on alternate days, and two Registrars were to take each Court week by week in rotation.

On the appointment of the Lords Justices in 1851 the number of Registrars was increased to *eleven*; but as their Lordships have generally sat apart from the Lord Chancellor, there have been frequently six Courts sitting on the same day, and the Registrars have, therefore, only been able to attend in Court on alternate days, as nearly as their number will admit. The Registrars have also to attend three days in the week at the Accountant General's Office, to countersign his cheques on the Bank of England, a duty which much interrupts them in the transaction of their other and more important business. On the days the Registrars are not occupied in Court or at the Accountant General's Office, they attend at their own Office, where they are chiefly engaged in drawing and settling drafts and minutes of decrees and orders, and passing decrees and orders, and where they are attended by the solicitors, for the purpose of discussing any questions that may arise thereon. This is, in fact, much the heaviest part of their duty, and from the circumstance of their being so constantly engaged elsewhere, the solicitors have often some difficulty in arranging appointments. It is desirable for the due despatch of the business that the Registrars should be enabled to attend at the Office oftener than they can at present,—at least three days in each week should be devoted to their business at the

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Office; and if the Registrars were wholly relieved from the duty of countersigning the Accountant General's cheques, and an additional Registrar were appointed, this object could be attained.

A list of the Registrars' names, and days of attendance in Court and at the Accountant General's Office, is made out and printed before each term and sittings after term, and put up in the Office, so that the solicitors may ascertain when the Registrars will be at the Office, and make their appointments accordingly.

The Registrar in Court enters in a minute book a note of the counsel attending in each case, the evidence adduced, and the judgment pronounced.

The counsel's briefs and other necessary papers are afterwards brought by the solicitors to the Registrar's Office, and left with the Clerk to the Registrar who attended in Court on the day judgment was pronounced.

Where the decree or order is made on the hearing of a cause or claim, or on further directions or further consideration, the briefs are laid by the Clerk before the Registrar, who prepares and delivers to his Clerk a minute of the decree or order.* From this minute the Clerk prepares the draft decree or order, which is then handed to the stationer employed by the Registrar for the purpose† to make a full draft of the decree or order for the solicitor of the party drawing it up, and of the mandatory part of the order, in the shape of a minute for each of the other solicitors in the cause.

The papers and minute or draft, when copied, are brought back by the stationer to the Registrar's Clerk, who delivers them out to the solicitors on their applying for them. The solicitor having the carriage of the decree or order then makes an appointment with the solicitors for the other parties to meet at the Registrar's Office, to settle the draft order, when the solicitors attend the Registrar, who goes through and settles the draft decree or order with them. On this occasion any alterations or variations that may be suggested are considered before the Registrar, and discussions between the solicitors frequently arise, which occupy a great deal of time, and in heavy cases render several attendances necessary before the case can be finally disposed of.

After the draft decree or order has been settled by the Registrar, it is given to his Clerk to finish, and is by him transmitted to the stationer, who supplies the stamp, and transcribes the decree or order in the mode required by the Orders of Lord Hardwicke (Sander's Orders, fo. 567), for which one clear day is generally allowed.‡ The decree or order, when transcribed, is delivered out to the solicitor who has the carriage of it, on payment to the stationer of the amount of the stamp impressed thereon. The solicitor then makes an appointment with the solicitors of the other parties to attend at the Office to pass the decree or order, when they meet for the purpose of examining it with the draft. This examination should be made with very great care, to avoid the necessity for any alterations and corrections of errors after the decree or order is entered. The examination is, however, too often neglected by the solicitor's clerks, which leads to much mischief and trouble, as errors and omissions of names, dates, and other particulars, cannot be so easily detected by the Registrar as by the parties concerned. When the decree or order has been examined, it is left with the Registrar's Clerk, together with the draft and the brief and papers, for the perusal of the Registrar, who, if satisfied of its correctness, signs his initials in the margin at the end of the last page. The decree or order is then called "*passed*," and is given back, together with the briefs and papers, to the Clerk, who delivers them to the solicitors, and the decree or order is then left with the Clerk of the Entries, under whose direction it is copied into large folio books§, and at the end of the decree or order the Clerk impresses the seal of the Report Office, and writes "*Entd*," and adds his initials; the decree or order is then complete, having been "*drawn up, passed and entered*."

Some of the Registrars, with a view to save any delay between the passing and entering of the decrees or orders, and to secure their being entered, have them transmitted to the Clerk of Entries immediately after they are passed. The majority of the Registrars, however, do not consider themselves authorized to do this without the sanction of a general order.

Orders made by the Court on petitions and special motions are drawn up, passed, and entered in the same way, except that the drafts or minutes are prepared by the Clerks to the Registrars; unless in very special cases, when they sometimes are prepared by the Registrars.

When an order is of a very simple nature, and no question is likely to arise on passing, it is frequently transcribed on a stamp in the first instance, which saves both time and trouble.

* The minutes vary in length from two and three folios to sixty and seventy folios. In foreclosure decrees, where there are numerous parties, and in orders on further consideration, the latter is not an unusual length.

† Full information respecting the stationers and the writing will be found in the evidence given before the Committee on Fees.—*Vide* Report, 1848, Answer 127, *et seq*.

‡ See Report of Committee on Fees, 1848. Statement, p. 26.

§ The books at the end of one year are transferred to the Report Office, and are called "The Registrars' Books." It would be a great improvement if these books were made of quarto instead of folio paper.

The shortest time usually occupied in drawing up and completing orders on petitions and special motions, where more than one party is concerned, is about ten days, inclusive of Sundays. Statement relative to the Chancery Registrars' Office.

The time is thus consumed, viz :

- | | |
|------------------------|---|
| 1. Saturday, March 3. | Order made and bespoken. |
| 3. Monday, March 5. | Draft order prepared and delivered to the stationer to be copied. |
| 4. Tuesday, March 6. | Draft order copied and delivered to solicitor, and notice given by him to opposite solicitor to attend on Wednesday and settle. |
| 5. Wednesday, March 7. | Solicitors attend Registrar and draft order settled, and left for engrossing and appointment to pass made for Friday. |
| 7. Friday, March 9. | Order ready, solicitors attend and examine it, and leave it for passing. |
| 8. Saturday, March 10. | Order passed by the Registrar and taken by the solicitor and left for entry. |
| 10. Monday, March 12. | Order entered and delivered to solicitor complete. |

In injunction cases, and also in other cases of an urgent nature, preference is given to them, and the orders got through in much less time; frequently on the same day they are pronounced.

Orders made on summons in chambers being usually short, are often drawn up without any draft, and are given out to the stationer to be copied the same day they are bespoken.*

Ex-parte orders and orders of course are also generally drawn up in a day or two.

DESPATCH OF BUSINESS.

As each Registrar and Clerk has his allotted business to get through, he has every inducement to expedite it, in order to avoid an accumulation, and the importunity of the solicitors.

It has usually been found, where there has been any alleged delay in drawing up any decree or order, that it has arisen from necessary papers and information not being supplied in the first instance, or from some defect discovered in the evidence or proceedings, or differences between the parties, and the difficulty of bringing them all before the Registrar on the days of the week when he is in attendance at the Office, or from new points being started after the case has been disposed of by the Court.

If a limited number of assistant Clerks were appointed to take in and deliver out papers, set down causes, and attend to other routine duties of the Office, the Clerks to the Registrars would be relieved from the constant interruption they are now subject to, which considerably interferes with the discharge of their more important duties, and they would be enabled to prepare the minutes of many of the decrees and orders on further consideration, which are now all done by the Registrars.

WANT OF ACCOMMODATION.

The suggestions for the appointment of an additional Registrar and assistant Clerks, and several other improvements that might be made in the Office, cannot be carried into effect until better accommodation is provided for the Registrars and their Clerks. The establishment (as has been mentioned before) now consists of *eleven* Registrars and *fourteen* Clerks. The inconvenience occasioned by the want of sufficient space and proper arrangements, and the requirements of the Office in this respect, were fully pointed out before the Committee on Fees (see Report, Answer No. 177, and Statement, p. 26); yet, with the exception that rooms have been taken for two of the Registrars out of the Office, on the opposite side of Chancery Lane (which is in itself an inconvenience), nothing has been done to remedy this *very great evil*.

Until each of the Registrars shall have their own set of rooms for themselves and their Clerks, the business of the office cannot proceed in a manner altogether satisfactory, and many facilities for the despatch of the business which might otherwise be given must be postponed.

AMOUNT OF BUSINESS.

The first tabular statement which follows will show the number of decrees made by the Court in each year since 1841; and the second following statement, respecting the stamps paid for in the Office, will give also the number of decrees and orders drawn up in each month, from which will be at once seen the preponderance of the business during the sittings after Trinity Term over any other portion of the year.

* Each Clerk keeps a book which shows the time occupied in drawing up the orders.

Statement relative to the Chancery Registrars' Office. A RETURN of all Matters disposed of in the Court of Chancery between the 2d Day of November 1841 and the 1st Day of November 1854 (both Days inclusive).

—	Appeal Motions and Special Motions.	Petitions.	Causes.	Pleas, Demurrers, and Objections.	Appeals and Re-hearings.	TOTAL.		
1842	2,717	2,840	1,664	68	36	7,325		
1843	2,583	2,715	1,481	58	36	6,873		
1844	2,996	3,037	1,473	76	57	7,639		
1845	2,773	3,254	1,449	80	28	7,584		
1846	2,879	3,432	1,282	81	60	7,725		
1847	2,904	3,625	1,558	65	80	8,232		
1848	2,911	3,845	1,594	92	90	8,332		
1849	3,111	3,984	1,486	76	40	8,697		

—	Appeal Motions and Special Motions.	Petitions.	Causes.	Pleas, Demurrers, and Objections.	Appeals and Re-hearings.	Claims.	Summonses.	TOTAL.
1850	3,096	3,724	1,263	63	50	160	—	8,356
1851	2,879	3,625	1,216	Not distinguished.	13	641	—	8,274
1852	2,400	3,983	1,301		147	721	—	8,636
1853	1,888	3,180	1,456		80	383	1,632	8,619
1854	1,672	3,046	1,763		70	265	3,325	10,141

A RETURN of Stamps used in the Registrars' Office from the 1st Day of November 1853 to the 31st Day of October 1854 (both Days inclusive).

—		DESCRIPTION.					AMOUNT.		
		£4.	£2.	£1.	10s.	5s.			
1853	November - -	78	266	412	25	439	£	s.	d.
	„ December - -	94	236	402	18	288	1,378	5	0
1854	January - -	74	278	370	19	252	1,331	0	0
	„ February - -	109	260	356	24	235	1,294	10	0
	„ March - -	120	351	460	29	287	1,382	15	0
	„ April - -	96	183	287	16	173	1,728	5	0
	„ May - -	96	280	372	22	237	1,088	5	0
	„ June - -	106	326	469	27	278	1,386	5	0
	„ July - -	148	425	628	28	325	1,628	0	0
	„ August - -	154	461	577	22	147	2,165	5	0
	„ September - -	1	10	23	—	7	2,162	15	0
	„ October - -	2	5	23	—	10	48	15	0
							43	10	0
Number of Orders -		1,078	3,081	4,379	230	2,678*			
Amount - - £		4,312	6,162	4,379	115	669 10s.	15,637	10	0

* Total Number of Orders and Decrees, 11,446.

TABULAR STATEMENT showing the Position of the several Registrars at the Time of the passing of the Chancery Regulation Act, 1833, and subsequent thereto, and also the Period of the original Appointment of the Registrars, together with the Salary of each Registrar.*

	Master of Reports and Entries, £1,000 per Annum.	11th Registrar, created in 1851, by Act of 14 & 15 Vict. c. 83, £1,250.	10th Registrar, created by Act of 5 Vict. c. 5, £1,250. Exchequer Registrar.	9th Registrar, created by Act of 3 & 4 W. 4. c. 94, £1,250.	8th Registrar, created by Act of 5 Vict. c. 5, £1,500. Exchequer Registrar.	7th Registrar, created by Act of 5 Vict. c. 5, £1,500. Exchequer Registrar.	6th Registrar, created by Act of 3 & 4 W. 4. c. 94, £1,500.	5th Registrar, created by Act of 3 & 4 W. 4. c. 94, £1,500.	4th Registrar, created by Act of 5 Vict. c. 5, £1,800. Exchequer Registrar.	3d Registrar, created by Act of 3 & 4 W. 4. c. 94, £1,800.	2d Registrar, created by Act of 3 & 4 W. 4. c. 94, £1,800.	1st Registrar, created by Act of 3 & 4 W. 4. c. 94, £2,000.	Period of the original Appointment of each Registrar as a Clerk in the Office, or as a Clerk in the Exchequer Office.	Period when each Registrar ceased to be a Registrar.
1. F. B. Bedwell	-	-	-	-	-	-	-	-	-	-	-	Aug. 1833	-	Died Nov. 1855.
2. J. C. Fry	-	-	-	-	-	-	-	-	-	-	Aug. 1833	Nov. 1835	-	Died 27 June 1841.
3. E. D. Colville	-	-	-	-	-	-	-	-	-	Aug. 1833	Nov. 1835	June 1841	— 1798	Superannuated 9 Nov. 1852; died Jan. 1855.
4. J. Collis	-	-	-	-	-	-	-	Aug. 1833	-	Nov. 1835	June 1841	8 Nov. 1852	-	Superannuated 9 June 1853.
5. R. O. Walker	-	-	-	-	-	-	Aug. 1833	Nov. 1835	-	June 1841	8 Nov. 1852	9 June 1853	4 July 1805	-
6. F. H. Davis	-	-	-	-	-	-	-	-	Oct. 1841	-	-	-	6 Nov. 1806	-
7. J. F. Le Comte	Dec. 1833	-	-	-	-	-	-	-	-	-	-	-	-	Died 21 July 1848.
8. H. E. Bicknell	-	-	-	Dec. 1833	-	-	Nov. 1835	June 1841	-	8 Nov. 1852	9 June 1853	-	19 June 1809	-
9. H. Hussey	-	-	-	Nov. 1835	-	-	June 1841	8 Nov. 1852	-	9 June 1853	-	-	Nov. 1817	-
10. H. Wood	-	-	-	-	-	Oct. 1841	-	-	-	-	-	-	15 June 1818	-
11. F. R. Bedwell	-	-	-	June 1841	Oct. 1841	-	-	-	-	-	-	-	-	-
12. C. Monro	-	-	-	Oct. 1841	-	-	8 Nov. 1852	9 June 1853	-	-	-	-	July 1828	-
13. E. D. Colville, jun.	-	-	Oct. 1841	-	-	-	-	-	-	-	-	-	June 1829	-
14. J. T. Fry	Aug. 1848	-	-	-	-	-	-	-	-	-	-	-	-	-
15. R. H. Leach	-	Nov. 1851	-	8 Nov. 1852	-	-	-	-	-	-	-	-	-	-
16. H. Latham	-	9 Nov. 1852	-	9 June 1853	-	-	-	-	-	-	-	-	-	-
17. F. Metcalfe	-	9 June 1853	-	-	-	-	-	-	-	-	-	-	-	-

The 4th, 7th, 8th, and 10th Registrars are Exchequer Registrars.

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TABULAR STATEMENT showing the Periods of Promotion of each of the present Clerks to the Registrars of the Court of Chancery, since the Year 1841 (the Year of the passing of the Act 5 Vict. c. 5., for abolishing the Equity Side of the Exchequer), and the Amount of the Salaries received by them.

Name of each Clerk.	14th Clerk, Salary £320.	13th Clerk, Salary £300.	12th Clerk, Salary £300.	11th Clerk, Salary £300.*	10th Clerk, Salary £400.	9th Clerk, Salary £400.	8th Clerk, Salary £400.	7th Clerk, Salary £400.	6th Clerk, Salary £500.	5th Clerk, Salary £600.	4th Clerk, Salary £600.	3d Clerk, Salary £600.	2d Clerk, Salary £800.	1st Clerk, Salary £500.
1. Richard Howell Leach	-	-	-	-	-	-	-	Nov. 1835	-	-	June 1839	June 1841	-	Oct. 1841. Registrar
2. Percival Bedwell	-	-	—	Oct. 1833	-	-	Nov. 1835	June 1839	-	-	June 1841	-	Oct. 1841	27 Nov. 1851.
3. Henry Latham	-	-	Oct. 1834	Nov. 1835	-	-	June 1839	June 1841	-	-	-	Oct. 1841	June 1847	Died, July 1847. Nov. 1851.
4. James Thomas Fry	-	-	June 1839	June 1841	-	-	-	-	-	-	Oct. 1841	June 1847	Appointed Master of Reports, 17 Aug. 1848.	9 Nov. 1852. Registrar
5. Frederick Metcalfe	-	-	June 1841	July 1841	-	-	-	Oct. 1841	-	-	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852. Registrar
6. James Lewis Merivale	-	-	July 1841	-	-	-	Oct. 1841	June 1847	-	-	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853.
7. Thomas Ellis Adlington	-	-	-	-	-	-	-	-	-	Oct. 1841	(Died 16th Dec. 1845.)	-	-	9 June 1853.
8. Francis Henry Rich	-	-	-	-	-	-	-	-	Oct. 1841	Dec. 1845	Nov. 1851	9 Nov. 1852	9 June 1853	-
9. Frank Milne	-	-	-	-	-	-	Oct. 1841	-	Dec. 1845	Nov. 1851	9 Nov. 1852	9 June 1853	-	-
10. Ralph Disraeli	-	-	-	-	Oct. 1841	Dec. 1845	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-
11. Thomas John Alderson	-	-	-	Oct. 1841	Dec. 1845	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-
12. Paul John King	-	-	Oct. 1841	Dec. 1845	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-	-
13. Pearce William Rogers	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14. George Farrer	9 Dec. 1845	17 Dec. 1845	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-
15. James Michael Holdship	17 Dec. 1845	June 1847	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-	-
16. Frederic Symes Teesdale	Feb. 1848	Aug. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-	-	-
17. Arthur Ellis	Nov. 1848	Nov. 1851	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-	-	-	-
18. Chas. Jas. Jonathan Knight	Feb. 1852	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-	-	-	-	-
19. Hall Plumer	9 Nov. 1852	9 June 1853	-	-	-	-	-	-	-	-	-	-	-	-
20. Nelson Ward	9 June 1853	-	-	-	-	-	-	-	-	-	-	-	-	-

* The Salary of the 11th Clerk was by the Act of 14 and 15 Vict. c. 83., increased to £400 per Annum.

The difference between the number of orders and decrees pronounced by the Court and those impressed with a stamp, arises partly from the former return not including orders of course, and from the orders under the Winding-up Acts, Friendly Societies Acts, and in pauper suits, not being included in the latter, owing to their being exempt from fees, and also from the solicitors not drawing up many decrees and orders, even when the minutes have been prepared.

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STAMPS.

The collection of the fees on orders and decrees by the aid of stamps in the Registrars' Office has not been attended with inconvenience, and has by experience been found an improvement on the previous system. The stamps are all impressed, and the amount of them is paid, after the decree or order is engrossed, to the stationer who has been appointed to that duty by the Registrars, and who is accommodated with a seat in the Office.

FEES.

The present Schedule of Fees is in some respects objectionable, owing to alterations of practice since it was framed; and a more simple Schedule, which might be framed without difficulty, would remove the uncertainty which now exists in determining in some cases the amount of the stamp to be impressed on an order.

The Registrars beg to transmit to the Commissioners a copy of some propositions laid by them before the Lord Chancellor with reference to shortening the forms of decrees and orders, and to dispensing with their signature to the Accountant General's cheques on the Bank of England.

R. O. WALKER.
HENRY E. BICKNELL.
HENRY HUSSEY.
J. W. DAVIS.
CECIL MONRO.
R. H. LEACH.
H. WOOD.
H. LATHAM.
E. D. COLVILLE.
T. METCALFE.

Registrars' Office,
March 26, 1855.

FURTHER SUGGESTIONS OF THE REGISTRARS FOR FACILITATING THE DESPATCH OF
BUSINESS IN THE REGISTRARS' OFFICE OF THE HIGH COURT OF CHANCERY.

Further Sugges-
tions of the
Registrars.

For the Use of the Chancery Commissioners.

At the commencement of the inquiry respecting the Registrars' Office, the Registrars laid before the Commissioners a statement showing the present system and working of their Office, and containing some suggestions for facilitating the despatch of business therein. Having since been permitted to peruse the whole of the evidence given before the Commissioners, they consider it their duty respectfully to submit the following further statement, in which they have endeavoured to show in more full detail what are their views as to the future regulation of the Office in those respects in which they deem the present system and arrangements defective, and capable of improvement.

The main points to which they think attention should be directed are the following:—

- I. The Increase and Re-organization of the Staff.
- II. Provision for better local accommodation.
- III. The better Classification and Distribution of the Business.
- IV. The adoption of more fixed Regulations with respect to attending Appointments before the Registrars to settle Minutes and pass Decrees and Orders; and,
- V. Dispensing with unnecessary Forms.

It will be convenient to consider these heads separately, in the order they have been mentioned.

I. As to the Increase and Re-organization of the Staff.

In their former statement the Registrars mentioned that they considered the appointment of an additional Registrar expedient.

The Lords Justices usually sitting apart from the Lord Chancellor as a distinct Court, the Registrars often have to provide for the attendance on six Courts, as well as for the attendance of a Registrar three days in the week at the Accountant General's Office, to sign his drafts on the Bank of England; and since the Act of 1852, giving the Judges

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jurisdiction in Chambers, much additional labour has been thrown upon the Registrars, most of the Orders made in Chambers being drawn up by them.

To ensure the due despatch of the business, it is quite necessary that the Registrars should attend at least three days in the week at the Office; and their anxiety to meet the demand for increased despatch, and the importance also of enabling them to be in more constant and regular attendance at the Office, with a view to the adoption of stricter regulations with respect to appointments to settle minutes and pass decrees and orders, induce the Registrars again respectfully to urge the expediency of increasing their number to twelve.

The Registrars also suggested that they should be empowered to appoint Assistant Clerks to undertake many matters of mere routine, which require method and care, and are necessary to the due despatch of the business, but which cannot be attended to by the present Clerks without drawing them away from their more important duties. The Registrars are of opinion that they should each of them be allowed to appoint one Assistant Clerk, and that such Assistant Clerk should be removable at pleasure by the Registrar appointing him.

The Registrars also referred the Commissioners to the several provisions of the Acts of Parliament relating to the appointment, promotion, and removal of themselves and their Clerks.

The Registrars feel very strongly that no change should be made in any way affecting the rights of succession conferred upon the present Clerks by the Act under which they were appointed; but with regard to any Clerks hereafter to be appointed, they would suggest that the salaries of the Clerks should be made so as to increase annually, and that the increase of salary should be made to depend upon a certificate of good conduct from the Registrar to whom each Clerk is attached.

In order to secure the appointment in the first instance of young men of adequate ability, no person should be eligible unless he shall have passed his examination for admission to practise as a solicitor; and no person should be eligible whose age at the time exceeds twenty-five years.

One year's probation should be required before the appointment is confirmed, as is the case in most other public offices; and the certificate of approval or disapproval should be signed by the senior Registrar and a majority of the other Registrars.

On the occurrence of vacancies the Clerks should succeed by seniority, as at present, each Clerk producing a certificate of good conduct from the Registrar to whom he is attached.

With reference to some questions put by the Commissioners as to the expediency of adopting the system of promotion by merit, without regard to seniority, the Registrars would beg to be allowed to observe, that they see many objections to attempting the introduction of this principle, and much doubt whether it could be fairly and faithfully carried out.

They think that with such safeguards as they have above suggested, promotion by seniority will be the safest rule.

The following is the proposed Staff:—

- 12 Registrars;
- 12 Senior Clerks;
- 2 Junior Clerks;
- 12 Assistant Clerks;

which will give to each Registrar one Senior Clerk and one Assistant Clerk.

The two Junior Clerks to be unattached, and under the control of the Senior Registrar, as at present.

II. *Provision for better Local Accommodation.*

The most important step in any attempt to improve the present system of the Office (and whether the suggestions of the Registrars with respect to the increase of the establishment are adopted or not) will be to make better provision for the accommodation of the Registrars and their Clerks and Assistants.

The Registrars' Office was originally built for *four* Registrars and *eight* Clerks. There are now *eleven* Registrars and fourteen Clerks.

In 1833, when the number of Registrars was increased to *six*, and in 1841, when the number of the Registrars was increased to *ten*, and the number of the Clerks to *fourteen*, some additional accommodation was obtained, but it was very inadequate to the requirements of the Office. Only five rooms are available in the present Office for the use of the Registrars, the majority of whom are therefore obliged to sit two in a room. The largest room does not exceed eighteen feet by sixteen feet; the smallest is about half that size. In these rooms several parties of solicitors are sometimes collected and engaged with one or other of the two Registrars, or waiting for their turn. This, of course, occurs most frequently at the busiest periods of the year, and interferes most seriously with the due despatch of business.

In 1851 an eleventh Registrar was appointed, and it became necessary to provide a set of chambers for him out of the Office, on the opposite side of Chancery Lane; and in 1852, in consequence of the Registrar's representation, a second set of Chambers was obtained in

Chancery Lane, which is occupied by another Registrar and his Clerk. Though some inconvenience may arise to the public, as well as to the Registrars, in consequence of all the establishment not being under the same roof, the possession of distinct sets of chambers for themselves and their Clerks gives these two Registrars so many facilities in the despatch of their business, as clearly to prove the expediency of providing similar accommodation for all the Registrars.

By the abolition of the Office of Reports and Entries two very good rooms have become vacant, which the Lord Chancellor has been pleased at once to place at the disposal of the Registrars. This will afford them some additional accommodation, but will not give them the means of carrying out such arrangements as are above proposed.

With respect to the Clerks: In one room are placed twelve Clerks to the Registrars, two Entering Clerks and their two assistants, two Stationers, and the Bagbearers, in all twenty persons. In this room also the solicitors meet to transact their business. Often as many as fifty or sixty solicitors at one time—and in the hottest and busiest period of the year even as many as 100—are there congregated together. In fact, between twelve and two o'clock the office is like an Exchange. The conversation which passes between so many persons, whilst they are looking over their minutes and orders, necessarily causes a great deal of noise and disturbance, and is a great hindrance to the Registrars' Clerks, as while it lasts it is quite impossible for them to apply themselves to anything requiring close attention. The dimensions of this room are forty-eight feet by thirty-six feet, and it is not very lofty. In summer the heat is often oppressive, from the difficulty of obtaining proper ventilation. In winter it is imperfectly warmed by two fires placed at one end of the room. Even after the public hours, when the solicitors are excluded, it is not a fit place for the kind of work the Registrars' Clerks have to perform. So many persons sitting in one apartment must unavoidably disturb each other; and the arrangement is by no means conducive in other respects to the satisfactory working of the Office, especially with regard to order and discipline, the difficulty of maintaining which must necessarily be increased by the Clerks being all placed together, and so much identified as one body.

The Registrars consider that the proper arrangements would be as follow:—

All the Registrars should be under the same roof, and each Registrar should have a separate room.

The Clerks should also be placed in separate rooms, immediately adjoining the rooms of the Registrars to whom they are attached.

The dimensions of the rooms should not be less than eighteen feet square, and the Clerks' rooms should be so arranged as to form ante-rooms to the Registrars' rooms, so that the Assistant Clerks might prevent more than one set of solicitors going into the Registrar's room at the same time.

There should also be either a large public room for the solicitors to meet in, and in this room the Entering Clerks and the Bagbearers might have their seats, or, if sufficient space can be provided, it would be more convenient to appropriate several smaller rooms for the use of the solicitors, on the plan adopted in the Taxing Master's Office. Proper accommodation must, however, in any case be provided for the Entering Clerks, Bagbearers, and Stationers, and the Writers should have a separate room.

There would, therefore, be required eleven or twelve Registrars' rooms.

Say, the like number of Clerks' rooms.

One large room or several smaller rooms for the solicitors, and at all events accommodation for the Entering Clerks, Bagbearers, Stationers, and Writers.

Should the whole of the Master's Offices become available, it is believed that, though they might not admit of the exact arrangement above suggested, they would afford something very like the accommodation which the Registrars require. At present the ground floor in the Master's Office is occupied by the Patent Office, but it may be resumed for the use of the Court of Chancery on one year's notice.

III. *Classification and Distribution of the Business.*

By the present usage of the Office certain definite duties are performed by the Registrars, and certain other definite duties by the Clerks. The Registrars consider that, according to the present division of the business, too much of their own time is taken up with matters to which the Clerks might very well attend, if relieved by the proposed appointment of Assistant Clerks.

As the heads of all public offices should have power to regulate the duties of their subordinates, the Registrars consider that it will be sufficient if a majority of them are empowered to regulate the duties of the Clerks and the distribution of the business from time to time. It would be objectionable to make such matters of detail the subject of general orders, because they are in their nature capable of continual improvement, and every facility for alteration should be afforded. The following proposed regulations are therefore submitted to the Commissioners, merely as showing the kind of alterations wished to be introduced, in case the Registrars' suggestions as to the appointment of Assistant Clerks should be carried out.

1st. *The Registrars.*—The duties of the Registrars must remain much the same as at present, except that it is considered that, in lieu of themselves preparing the draft minutes of all the decrees and orders on further directions, such drafts should, in the more simple

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cases, be prepared by the Clerks, but submitted to the Registrars before they are issued to the solicitors.

2ndly. *The Senior Clerks.*—The twelve Senior Clerks should prepare the drafts or minutes of all the decrees and orders, except such as the Registrars shall consider it expedient to take themselves, the drafts to be submitted to the Registrars before they are issued.

3rdly. *The Thirteenth and Fourteenth Clerks.*—These Clerks should, as at present, draw up all the orders *strictly* of course, and set down causes; and, for the purposes of instruction and superintendence, they should be placed more immediately under the direction of the two Senior Clerks (who may not have declined the Office of Registrar), and assist them and look after their business when attending in Court, which it is very desirable that the two Senior Clerks should take every opportunity of doing, that they may become conversant with the nature of the Registrar's business in Court before they themselves become Registrars.

4thly. *The Assistant Clerks.*—These Clerks should take in and give out all briefs and documents required for the preparation of the decrees and orders (except for the orders of course, which should be taken in and given out by the Clerks who draw up the orders of course).

When the Assistant Clerks receive the briefs and documents they should mark on them the day of receiving them, and the name of the Registrar to whom the decree or order may belong, the number of copies of minutes required, and also the folio of the Registrar's Minute Book, and of the book in which the same are registered by themselves.

Each Assistant Clerk should keep a book similar to that now kept by each of the Clerks to the Registrars, in which he should copy every evening from the Registrar's Minute Book of the day the title of every cause or matter in which a decree or order has been pronounced, and the folio of the Registrar's Minute Book, and in this book might be columns for the following entries :—

Title.	Minutes.			Decrees and Orders.					Appendix Briefs.	
	When bespoken.	When given to Stationer.	When ready.	When bespoken.	When given to Stationer.	When ready.	When left for passing.	When handed to Entry Clerk.	When left.	When delivered out.
A.										
v.										
B.										

The Assistant Clerks should also keep another book, in which all *special appointments* to attend the Registrars to settle minutes and pass decrees and orders should be entered, and all adjournments thereof.

These Clerks should also prepare the certificates of sale and transfer of stock, under the superintendence of the Senior Clerks.

They should also examine all orders when finally transcribed, and they should perform such other duties of routine as the Registrars may from time to time direct.

IV. *Adoption of more fixed Regulations as to attending appointments before the Registrars to settle Minutes and pass Decrees and Orders.*

In consequence of the unavoidable absence of the Registrars from the Office three days (and sometimes four or five days) in the week, for the purpose of attending upon the Courts, and at the Accountant General's Office to sign his drafts on the Bank of England, several days must often elapse before an appointment can be obtained, without any fault either of the Registrars or of the solicitors; and the first duty of the Registrars being to provide for the attendance upon the Judges, they are liable to be suddenly called upon to take the turn in Court of a colleague who, by reason of illness or other unavoidable cause, is unable to attend. The appointments to attend the Registrars must always remain subject to these difficulties and contingencies. The Registrars, however, consider, that if, by dispensing with their attendance at the Accountant General's Office to sign the drafts, and by the appointment of an additional Registrar, they shall be enable to attend in their own Chambers regularly three days in the week, some stricter regulations might be adopted as to attending appointments before them.

As there is often no occasion for the parties to see the Registrar himself, the notices may ordinarily be continued to be given by the solicitors in the same mode as at present, and the Registrars should remain at liberty, in their discretion, to settle and pass any order without notice to any person or party; but, unless the Registrars dispense with notice, one clear day's notice to settle minutes, or pass any order, on all parties appearing at the hearing, should be sufficient; and all notices should be peremptory, but with power to the Registrars to adjourn the appointments from time to time.

Whenever any party desires a *special appointment*, he should be at liberty to obtain from the Registrar an appointment to attend him.

Further Suggestions of the Registrars.

The Registrars do not think it would be desirable that they should undertake to transmit notice to the solicitors by post that minutes or orders are ready for delivery to them, on account of the expense and the increase of trouble it would occasion in their Office. (*See note to the Return referred to in Mr. Leach's evidence, Answer 1,404, and ante, page 198.*) The solicitors of any parties appearing should understand that it is their duty to bespeak copies of the minutes as soon as the order is pronounced, and should be required at the time they bespeak copies to leave their briefs with the Registrars' Clerks.

A. v. B.

R. O. WALKER, Registrar.

Solicitors for the Defendants *B.* and *C.*

V. *Dispensing with unnecessary Forms.*

They consider these matters of such importance in connexion with the other alterations they have proposed, and therefore beg again to bring them under the attention of the Commissioners. They would also suggest that they should be empowered, in cases in which it should appear to them to be expedient, to express what is to be done by the Accountant General by reference to a *Schedule in figures* at the end of the order, instead of being obliged to state every sum in words at length in the body of the order, as at present required by the 28th General Order of the 21st December 1831.

Entry of Decrees and Orders.

Legacy and Succession Duty.

It is submitted, that it would be far better that the order should not be granted by the Court until proper information is obtained by the solicitor, and, in case the duty has been paid, proper evidence thereof produced. And on petitions an allegation should be required in all cases dealing with funds in Court, stating whether the legacy duty or succession duty is paid or payable, or the contrary.

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Registrars.

Prepared Minutes.

The Registrars beg to suggest that whenever the cause is to be heard as a short cause, or a decree or order is to be taken by consent, draft minutes should be prepared on the part of the plaintiff, or party having the conduct of the cause, and copies thereof handed to the other parties at least two clear days before the day appointed for hearing ; and it might be convenient if a copy were to be also by the same time left for the use of the Judge with his Secretary or other officer. If this were always required, it would tend very much to obviate the discussions and delays which sometimes occur before the Registrars in cases that have been disposed of by the Court, on the understanding that they were finally arranged and agreed to, but in which, in consequence of the heads of the minutes not having been set down in writing, questions are raised upon the Registrar's minutes.

This plan would also have the advantage of bringing the proposed minutes under the eye of the Judge himself, and enabling him to observe any special directions that might be introduced.

Petitions.

In all cases where a petition is presented, the petitioner should be required to state at the foot of his petition who are the parties he intends to serve therewith.

Registrars' Attendance on the Courts.

The Registrars are unable to suggest any alteration in the mode of their attendance on the Courts which they think would work so well as the present plan of weekly rotation, prescribed by the General Order of Court of the 4th day of July 1850.

Public Hours of Business.

The Registrars would suggest that the hours during which the Office is to be open to the public should remain as at present, for the reasons stated in the Evidence, pages 100, 105, and 117, except that they propose to open the Office for general business at ten o'clock in the morning.

R. O. WALKER.
HENRY E. BICKNELL.
CECIL MONRO.
R. H. LEACH.
H. LATHAM.
H. WOOD.
E. D. COLVILLE.
F. METCALFE.
T. MILNE.
JOHN L. MERIVALE.

Registrars' Office,
19th November 1855.

A COMMUNICATION FROM THE REGISTRARS TO THE LORD CHANCELLOR.

Chancery Registrars' Office, 16th February 1855.

To the Right Honourable the Lord High Chancellor of Great Britain.

WE, the undersigned Registrars of the High Court of Chancery, having, pursuant to the 14th General Order of the 3rd June 1850, met, and considered the following proposed orders and regulations, and it appearing to us that such orders and regulations are calculated to expedite and facilitate the satisfactory transaction of the business of the suitors in our office, and to simplify and render clearer the orders of the court, humbly report the same to your Lordship, to the end that if the same be approved by your Lordship proper steps may be taken for such orders and regulations being adopted and duly made rules and orders of the court.

The Right Honourable Robert Monsey Lord Cranworth, Lord High Chancellor of Great Britain, by and with the advice and assistance of the Right Honourable Sir John Romilly, Master of the Rolls, the Right Honourable the Lord Justice Sir James Lewis Knight Bruce, the Right Honourable the Lord Justice Sir George James Turner, the Honourable the Vice-Chancellor Sir Richard Torin Kindersley, the Honourable the Vice-Chancellor Sir John Stuart, and the Honourable the Vice-Chancellor Sir William Page Wood, doth hereby, in pursuance and execution of the powers of an Act of Parliament passed in the twelfth year of the reign of His late Majesty King George the First, intituled "An Act for better securing the monies and effects of the suitors of the Court of Chancery, and to prevent the counterfeiting of East India bonds and indorsements thereon, as likewise indorsements on South Sea bonds," and of an Act of Parliament passed in the fifteenth and sixteenth years of the reign of Her present

Majesty, intituled "An Act for the relief of the suitors of the High Court of Chancery," 15 & 16 Vict. c. 87.
and of all other powers and authorities enabling him in that behalf, order and direct s. 37.
that all and every the rules, orders, and directions herein-after set forth be and for all
purposes be deemed and taken to be general rules and orders of the High Court of
Chancery.

1. In these orders, unless there be something in the subject matter or context repugnant to such a construction, words expressed in the singular and in the plural number respectively shall be construed as applicable respectively to several persons or things and to one person or thing; "the Accountant General" shall mean the Accountant General of the High Court of Chancery; the expression "the Bank" shall mean the Bank of England; and the word "person" shall mean any person, whether such person shall be a party to the suit or not, and shall include a body corporate; the word "order" shall include a decree.

2. Where, under or in pursuance of any Act of Parliament, or any general or special order, any cash, interest, or dividends, or accumulations of interest or dividends, shall be invested in the name of the Accountant General, and with his privity, in the purchase of any stock or securities, or any stock or other securities shall be transferred into his name and with his privity in the books of the Governor and Company of the Bank of England, or of any other public company, or any stock or other securities standing in his name shall be carried over to any other cause, matter, or account, he is to declare the trust thereof to be to attend the orders of this court in the cause or matter in which such purchase, transfer, or carrying over shall be directed to be made, without a direction for that purpose in each particular order.

Adapted from the 49th
of Lord Cranworth's
Orders in Lunacy o
7th Nov. 1853.

3. For the purpose of any payment or investment to be made under any general or special order by the Accountant General, he shall be at liberty to draw on the Bank according to the form prescribed by the Act of Parliament made and passed in the twelfth year of the reign of His late Majesty King George the First, intituled "An Act for the better securing the monies and effects of the suitors of the Court of Chancery, and to prevent the counterfeiting of East India bonds and indorsements thereon, as likewise indorsements on South Sea bonds," and the general rules and orders of this court in that case made and provided, without a direction for that purpose in each particular order.

Adapted from the 50th
of Lord Cranworth's
Orders in Lunacy of
7th Nov. 1853.

4. Where any stock or other securities standing in the books of the Governor and Company of the Bank of England or any other public company, in the name of the Accountant General, in trust in or to the credit of any cause, matter, or account, shall be directed to be sold, the same shall be sold with his privity; and one of the cashiers of the Bank shall have notice to attend the sale, and shall receive the money to arise thereby, and upon receipt thereof shall forthwith pay the same into the Bank, with the privity of the Accountant General, to the credit of the cause, matter, or account in which such stocks or securities were standing immediately before the sale, without any direction for that purpose in each particular order.

Adapted from the 51st
of Lord Cranworth's
Orders of 7th Nov.
1853.

5. Where by any order any sum to be ascertained by a Master's report or Chief Clerk's certificate or affidavit shall have been or shall be ordered to be paid by the Accountant General to any person as a creditor or legatee, and such person shall have died before the payment shall have been made, the Accountant General shall be at liberty to pay the sum so ascertained to be due to the legal personal representative or representatives of such deceased person; and where, in the case of creditors, such sum shall be in like manner ascertained to be due to two or more persons as partners, the Accountant General shall be at liberty to pay to any or either of such partners, without any direction for either of such purposes in each particular order.

6. Notwithstanding anything to the contrary contained in the 28th General Order of the 21st day of December 1833, the amounts of residues and shares of residues by the said order directed to be ascertained and specified by affidavit shall hereafter be specified and ascertained by affidavit, without any direction for that purpose in each particular order.

7. Where any person shall be ordered to transfer stock or pay cash into court, or deposit securities for money in court, within a limited period, such person shall be at liberty to make such transfer, payment, or deposit after the limited period has expired, and the Accountant General may accept such transfer, payment, or deposit, without further order; but such transfer, payment, or deposit shall not, unless and until other order be made to the contrary, stay the execution of any attachment or other process of contempt previously issued for breach of the order directing such transfer, payment, or deposit, or affect any right acquired by the default in making the same within such limited period.

8. Where any stock or securities, or portion or residue of stock or securities, standing in the name of the Accountant General in trust in or to the credit of any cause, matter, or account, shall be ordered to be transferred or delivered to any person, or carried over in trust in or to the credit of any other cause, matter, or account, or where part of any such stock or securities, or portion or residue, shall be ordered to be sold to raise costs or legacy or succession duty, and the residue thereof after such sale shall be ordered to be transferred or delivered to any person, or carried over to any cause, matter, or account, and before such transfer, delivery, carrying over, or sale shall be made, but

Adapted from the
185th of Lord St.
Leonard's Irish Orders
of 27th March 1843.

after the date of the order, any interest or dividends shall be received on such stock or securities, or portion or residue, or on any stock purchased with any such interest, in the case mentioned in the tenth of these orders, the Accountant General shall draw in favour of the person to whom such stock or securities, or portion or residue, shall be ordered to be transferred or delivered, for the interest or dividends so received, or shall carry the same over with such stock or securities, or portion or residue, as the case may be (unless the Order shall otherwise direct); and it shall not be necessary to insert a direction for either of the purposes aforesaid in each particular order.

9. Where any stock or securities, or any portion or residue of stock or securities, standing in the name of the Accountant General in trust in or to the credit of any cause, matter, or account, shall be ordered to be sold, and the whole of the money arising by such sale shall be directed to be paid out or carried over, and after the date of the order, but before such sale shall be made, any interest or dividends shall be received on such stock or securities, or portion or residue, or on any stock purchased with any such interest, in the case mentioned in the 10th of these orders, the Accountant General shall draw in favour of the person or persons to whom the money to arise by such sale, or the residue thereof after providing for costs, or legacy or succession duty, if any, shall be ordered to be paid, in the same shares and proportions as such money or residue shall be ordered to be paid, for the interest or dividends so received, or shall carry over the same, as the case may be, unless the order shall otherwise direct; and it shall not be necessary to insert a direction for either of the purposes aforesaid in each particular order.

This Order is to meet Cases which occur under Lord Cranworth's General Order of 3d June 1853.

10. Where any interest or dividends which shall be ordered to be paid or carried over, or any interest or dividends which shall have become payable by virtue of the 8th and 9th of these orders, shall have been invested pursuant to the General Order of the 23rd day of June 1853, the Registrar, on being satisfied as to the amount, may issue a certificate authorizing the transfer of the stock wherein the same shall have been so invested to the person to whom such interest or dividends shall have been ordered to be paid or shall have so become payable, or a sale of such stock; and the Accountant General shall be at liberty to transfer such stock, or to sell the same, and pay the proceeds of such sale to such person, without any direction for either of such purposes being inserted in each particular order; and the Governor and Company of the Bank of England shall permit such transfer or sale to be made accordingly.

18. In taking any account directed by any order all just allowances shall be made, and it shall not be necessary to insert a direction for that purpose in each particular order.

Adapted from the 46th of Lord St. Leonards' Irish Orders of 27th March 1843.

12. Where by any order any recognizance shall be directed to be vacated, the Clerk of the Inrolments of the Court of Chancery shall, on due notice thereof, attend the Master of the Rolls for that purpose; and it shall not be necessary to insert a direction for that purpose in each particular order.

13. That when any cause shall have been standing for one year in the cause book marked as "abated" or "standing over generally," such cause shall at the expiration of the year be struck out of the cause book.

SCHEDULE.

Present form of order for investing cash and accumulating interest.

This court doth order, that the sum of one hundred pounds cash in the Bank on the credit of this cause be laid out in the purchase of Bank three pounds per cent. annuities, in the name and with the privity of the said Accountant General, in trust in the said cause, and he is to declare the trust thereof accordingly, subject to the further order of this court; and it is ordered that the interest to accrue on the said Bank annuities when so purchased, and all accumulations of interest, be from time to time laid out in the purchase of like Bank three pounds per cent. annuities, in the name and with the privity of the said Accountant General, in trust in this cause, and he is to declare the trust thereof accordingly, subject to the further order of this court; and for the purposes aforesaid the said Accountant General is to draw on the Bank according to the form prescribed by the Act of Parliament and the general rules and orders of this court in that case made and provided.

Proposed form of order for investing cash and accumulating interest if these orders are adopted.

This court doth order that the sum of one hundred pounds cash in the Bank to the credit of this cause be invested in the purchase of Bank three pounds per cent. annuities, in the name and with the privity of the Accountant General of this court, in trust in this cause; and it is ordered, that the interest and accumulations of interest on such Bank annuities, from time to time as the same accrue due, be invested in like manner.

[Signed by all the Registrars.]

STATEMENT OF THE REGISTRARS AS TO DISCONTINUING THE COUNTERSIGNING OF THE
DRAFTS OF THE ACCOUNTANT GENERAL ON THE BANK OF ENGLAND.

By the General Order of Court of the 26th May 1725, it was directed (amongst other things) "That when any money belonging to the suitors, received by the Bank pursuant to this or any other order for that purpose made, shall be directed to be paid by order of this court, the clerk in court or solicitor in the said cause do carry the said Order to the master, who shall forthwith make a certificate thereof, which certificate such clerk or solicitor shall forthwith file in the Report Office; and that the master do by note under his hand draw on the Bank for so much money as shall be so directed to be paid on cheque paper fairly written and signed by the master, *which note of the master shall be carried to the Report Office, and an entry made thereof in the Master's book there, and "Intratur" shall be written thereon and signed by the Registrar, which note so entered and signed shall be sufficient authority to the Bank to pay such money to the person mentioned in such note, or to such person as he or she by endorsement shall order to receive the same, as likewise to write off the same from such master's account there, but when any sum of money shall be directed to be received by the Bank for interest or maintenance, the master shall by note under under his hand upon cheque paper (without any certificate) draw on the Bank for the same, and such note, being signed by the master, and entered in the Report Office, and countersigned by the register, as before directed, shall be a proper authority to the Bank to pay the same."*

By an order of the 14th November 1725 further regulations were introduced, and (among other things) it was directed that, "whereas according to the method prescribed by the said recited order" (being the said order of the 26th of May 1725) "for the payment of any money out of the Bank belonging to the suitors of this court, the Master, observing the regulations in the said recited Order contained is, by note under his hand, to draw on the Bank for such money as shall be ordered by this court to be paid, which note is to be first carried to the Report Office; Now it is hereby further ordered, that such note shall be so limited to be paid within a month after date: and that if it be not paid within such time the note shall be void; and that when such note is carried to the Report Office there shall also be carried with it the order whereby such payment was directed to be made, *and an entry shall be made in the Master's book at the said office, not only of the said note but also a memorandum that it was drawn by virtue of such Order, and thereupon an "Intratur" is to be made, and such other proceedings had as in the said Order (of the 26th May 1725) are for that purpose prescribed.*"

By the Act 12th George the 1st. cap. 32., which recites and confirms the above Orders, the office of Accountant General was created, and the regulations contained in such Orders were made applicable to that officer. The 6th section is as follows: "*Provided nevertheless, that notwithstanding anything in this Act contained, the said Court of Chancery shall have full power and authority, from time to time, according to the exigency of affairs, to vary, alter, or change, any part of the regulations in the said Orders or herein before contained, and to make such further or other regulations about the premises as to the same court shall seem meet and reasonable.*"

It appears by the above General Orders and Act of Parliament that the Registrar (whose office was executed by the Deputy Registrars) was to sign the cheques, merely to authenticate the entry in the books kept in the Report Office, and that such signing had reference only to the Report Office.

By the Act 3d and 4th William 4th, cap 94, sections 1 and 8, the Deputy Registrars were constituted Registrars. The office of Master of the Report Office was abolished, and a new officer was created, called "Master of Reports and Entries, to superintend the clerks of accounts and the other departments in the Report Office; but no regulation was then made as to the countersigning by him of the Accountant General's cheques, drawn on the Bank, and entered in the books kept by the Clerks of Account in the Report Office.

By the Act 15th and 16th Victoria, cap. 87. section 36., that branch of the Report Office called the office of Clerks of Accounts was abolished, and the entry of the cheques in the books kept by them discontinued; and by the section 34. it was recited that the countersigning of the notes and cheques drawn by the Accountant General, and the signing of copies and extracts taken from the Registrars' books deposited in the office of the Master of Reports, was attended with inconvenience, and interrupted the Registrars in the discharge of their other duties, and it was therefore provided that the duties relating to the countersigning such cheques and signing such office copies, *so far as it should be found necessary and expedient to continue such duties*, should be performed by the Master of Reports and Entries, or the Registrars, in such manner and under such rules and regulations as the Lord Chancellor should from time to time by any Order direct.

By section 37. it was provided that it should be lawful for the Lord Chancellor from time to time to make and issue such General Orders as he should think fit, as well in relation to any matter connected with the offices by the said Act abolished, and not thereby otherwise provided for, as for carrying the provisions of the said Act into execution, and also all such other rules and orders as he should think fit, for altering and regulating the business of the several offices of the said court.

By the General Order of the 27th day of July 1852, made in pursuance of the last-mentioned Act, the duty of countersigning the cheques was directed to be discharged by the Master of the Reports and Entries on three days in the week, and by the Registrars on the remaining three days.

The complaints made by the solicitors and suitors, of the very great inconvenience and delay unavoidably consequent on the Registrars being compelled to absent themselves from their own office, and attend at the office of the Accountant General, to occupy themselves in the performance of a duty which since the abolition of the office of Clerks of Accounts affords no security or protection to the suitors, although causing them much unnecessary trouble, induce the Registrars respectfully to submit that the countersigning of the Accountant General's cheques on the Bank of England should in future be wholly discontinued; and they conceive that this may be effectually done by a General Order, under the Acts 12th George the First, cap. 32., and the 15th and 16th Victoria, cap. 87., and the general powers vested in the Great Seal.

The Registrars also suggest that the Master of Reports and Entries should be at liberty to authenticate all copies and extracts taken from the Registrars' books deposited in his office by means of a stamp, as is now the practice in the case of office copies of Reports and Certificates.

The Registrars are authorized by the Master of Reports and Entries to state that he concurs in the above suggestions.

LETTER FROM THE ACCOUNTANT GENERAL TO THE SECRETARY.

DEAR SIR,

Accountant General's Office, December 22, 1855.

I HAVE given much consideration to the more important point upon which the Chancery Commissioners have been so good as to desire my opinion, and should have been glad if I could have offered to them any distinct suggestion for any amendment of the system of countersignature. I have made inquiries and asked for suggestions from experienced practitioners, but at present I am not prepared to do more than say that I could not recommend, but, on the contrary, should earnestly deprecate, the doing away with the countersignature of the Registrar to the Accountant General's cheques, without providing in substitution some other check upon the Accountant General and his clerks, and some guard against the consequences of the possible loss or abstraction of cheques before delivery.

The Commissioners will observe that when the Accountant General's office was instituted as a cure for the corrupt and unsafe administration of the court's funds which had before prevailed, it was carefully guarded by the best checks which the ingenuity of the most experienced mercantile and legal authorities of the day could devise. Various changes by successive Acts of the Legislature have from time to time lessened and removed these checks, so that now if the Registrar's countersignature were abolished the partial check afforded by the keeping of the accounts in the Bank books, and the vigilance of the Bank itself, would be the only security left against error by the Accountant General and his clerks, and against the payment of lost or abstracted cheques; and this, too, when the funds which the Accountant General has to administer have so much increased that whereas the establishment originally consisted of two clerks only, it is now found that 30 clerks besides the chief clerk are not able by the greatest exertions to meet the pressure which the business of the court frequently creates. The funds in court exceed 49 millions, and the transactions of the year from October 1853 to October 1854 (comprising cash and stock coming in and going out, and not including mere carryings over,) involved more than 25 millions, and between October 1854 and October 1855 more than 31 millions. The annual dividends drafts alone exceed 18,000*l*. The difficulties of this increased responsibility are not diminished by the frequent changes in the practice of the court; and the Commissioners will feel that the Accountant General ought to desire an increase rather than a diminution of the checks upon the proceedings of his office. Its system, complicated as it undoubtedly is, has prevailed for more than a century, with a degree of correctness and security of which the interruptions by serious error or fraud have been surprisingly rare, and it is not easy to assign with certainty the sources of its successful operation, nor would it be safe to remove part of the machinery which may have contributed to the well working of the whole. It may be not immaterial to mention that on an occasion of fraud which unfortunately occurred some years ago a clue to its discovery was found in that part of the process which involves the Registrar's countersignature. There is an apparent plausibility in the suggestion that as the Registrar's signature was originally by way of attestation of the cheques being duly entered in the books of the Report Office, the foundation of the Registrar's operation is done away with, now that the Report Office books are no longer kept, and it may also be fairly said that the affixing of the Registrar's initials to the order as now regulated does not involve any sufficient examination of it to be a security against error. But it does not follow from its being an insufficient check that it is no check at all; and there can be no doubt that the Registrars might be enabled to make their countersignature a more useful guard than it now is. They ought, whilst employed in the signing room, to be protected from interruption by persons coming on other

business. At present they are considered accessible there upon all points connected with their general duty as Registrars. If they had an immunity from these sources of distraction they would be enabled, and might advantageously be required, to give their attention to the operation of countersignature closely, and when their initials are to be put to the order as well as to the draft to look at it before doing so more carefully than they now well can do. With respect to dividend drafts, the Commissioners may perhaps be aware that as they are periodically drawn and delivered in regular course the Registrar's initials are not affixed to any order, but merely to the cheques themselves. It might seem that the mere production by the party holding such a cheque of the draft to the Registrar is an unnecessary process; but it is to be observed that these cheques are now very numerous; they are entrusted to the care of the Accountant General's clerks until demanded. Past experience has shown that much reliance may be placed on the integrity of persons filling such situations; but by removing the necessity of a countersignature any one of those cheques, if either lost by want of care before delivery or corruptly abstracted, would be rendered available without any further step than mere production at the Bank.

I do not think it necessary to take up more of the Commissioners' time (nor is it desirable on other grounds that I should do so in detail), by going into the various sources of danger which lessening the security of forms against fraud and error might open.

With respect to the other point to which the Commissioners have wished my attention to be drawn, I would observe that to the extent to which a general order has already been in operation in lunacy I believe the orders might safely be abridged by the omission of some words of course; but I should also remark that orders have of late been so much abridged by the omission of all explanatory recital that it is important to take care that each act to be performed by the Accountant General be the subject of clear and unmistakeable direction, not dependent upon implication or reference.

I am, &c.

W. RUSSELL.

C. C. Barber, Esq.

MODE of enforcing PAYMENT of a SOLICITOR'S BILL OF COSTS against a Client after Taxation and Certificate filed under the Solicitors' Act, 6 & 7 Vict. c. 73.

The order for taxation obtained as of course by the client, contains a submission by him to pay, and a direction "that the amount to be certified be paid accordingly by the party liable to pay such amount."

The taxation having been made, and the certificate of amount due from client to the solicitor having been filed, the following steps are necessary to enforce payment by committal:

1. The certificate of costs must be personally served, and demand made either in person or by attorney.
2. Motion (supported by affidavit of personal service, and demand and refusal,) that the client may pay within a given time.
3. Motion (supported by affidavit of personal service of last order, demand, and nonpayment,) that the client may pay the amount within four days or stand committed.
4. Order as of course (obtained on motion supported by affidavit of personal service of last order, demand, and nonpayment,) that the client do stand committed.

Upon this order when drawn up the client is committed.

The same process is necessary for the committal of the solicitor in the event of a balance being found due from him to the client.

In proceeding to enforce payment by *fi. fa.* or *elegit* by the solicitor against the client:—

The client having submitted to pay, and the usual order for taxation having been made, and the certificate of amount due from the client to the solicitor having been filed, the solicitor may obtain an order of course, obtained on petition, for the payment of the amount certified to be due; after which the solicitor may sue out a *fi. fa.* or *elegit* under 1st order of 10th May 1839.

In proceeding to enforce payment by *fi. fa.* or *elegit* by the client against the solicitor:—

The client must serve a notice of motion upon the solicitor, and obtain an order that the amount certified to be due to him from the solicitor may be paid to him by the solicitor. After one month from the time of such order being passed and entered the client is entitled to sue out a writ of *fi. fa.*, &c.

MODE of enforcing an Order for PAYMENT made in a SUIT.

These Orders only
apply to Orders and
Decrees made in a suit.
In re Blake v. Young,
9 Beav. 209.

The party prosecuting such order may under the 11th and 12th orders of 26th August 1841 proceed to enforce the order in the following manner:—

The order requiring payment must state a time within which the payment is to be made, which is served upon the party required to pay, and a memorandum indorsed “If you the within-named A.B. neglect to obey this order by the time therein limited you will be liable to be arrested under a writ of attachment, &c.”

The writ of attachment issues upon affidavit of personal service within due time, and of demand either in person or by attorney, and nonpayment.

CHARITY COMMISSION.

THIRD REPORT

OF

THE CHARITY COMMISSIONERS

FOR

ENGLAND AND WALES.

WITH

AN APPENDIX.

1856.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
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FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

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THIRD REPORT

FROM

THE CHARITY COMMISSIONERS FOR ENGLAND AND WALES.

TO THE QUEEN'S MOST EXCELLENT MAJESTY.

MAY IT PLEASE YOUR MAJESTY,

WE, the Charity Commissioners for England and Wales, are required to make a Report to Your Majesty of our proceedings during the year 1855.

It will be convenient to state briefly the powers which may now be exercised by our Board under the Charitable Trusts Act, 1853, and the amending Act of the last session of Parliament, and to classify by reference to them such of the matters upon which we have been principally engaged as can conveniently be arranged in that manner.

We have extended powers of requiring information from the Trustees of Charities and their agents and the recipients of charitable funds, subject to an exemption of all persons claiming property adversely to any Charity from inquiry relating to such property.

We are enabled to give advice and direction to the Trustees of Charities, who are protected from responsibility in acting upon our opinion; but the direction has otherwise no authority, and may be repudiated by all or any of the Trustees as they may think fit.

The right of private persons to institute legal proceedings on behalf of Charities is placed under our control; and it is our duty to prescribe and regulate the publication of notices of all proposed applications to the Courts for the appointment or removal of trustees or the establishment of schemes under the summary jurisdiction created by the Act of 1853. Our approval also is requisite to the validity of orders made by the County Courts or District Courts of Bankruptcy for the same purposes.

For enforcing the due application of the funds of Charities, or the recovery of their rights, or procuring for them administrative relief, we are enabled to certify to the Attorney General cases in which we consider it desirable that legal proceedings should be instituted by him *ex officio* for such objects. This is the only mode open to us of attaining them where no persons are disposed to undertake the necessary proceedings before the Courts upon their own responsibility, or it is inexpedient that private parties should conduct such proceedings.

We have very beneficial powers to authorize sale, exchanges, leases, and improvements of Charity estates; and we may sanction the redemption of rents charge, the compromise of disputed claims, and the removal of schoolmasters and other officers, though our warrants for these purposes are not imperative on any persons. The Act of the last session has afforded also to Charities an important protection against improvident leases and alienations of their estates, by prohibiting such dispositions for terms exceeding those of ordinary occupation leases, unless made with the authority of our Board or under parliamentary or judicial sanction.

The same Act contains a provision under which we may authorize the transfer of charitable funds to the official trustees by any trustees or other persons holding such funds, and willing to adopt that course.

We may apportion any Charities of a parish divided into districts between such districts, if the annual incomes of such Charities do not exceed 30*l*.

We are empowered to propose for the sanction of the Legislature schemes for the improved application of charities, where the same objects are beyond the jurisdiction of the Courts,

Finally, we receive the annual statements of account directed to be made by all trustees of Charities, though we have no direct means of enforcing their delivery.

Having stated the extent of our actual powers, we proceed to report the matters within the limits of our corresponding duties, by which we have been principally occupied.

The number of special applications made to our Board during the past year, (bringing before us the circumstances of different Charities and groups of Charities for very various purposes) has been 864, making the whole number of such applications filed in our office during the period of somewhat more than two years, which has elapsed since the commencement of our duties, to be 2,274.

The objects of these applications received during the past year may be classified as follows:—

For advice and direction to the trustees of Charities	267
For authorities to effect sales and exchanges - -	73
To grant mining, improving, and other leases - -	45
To make outlays on improvements and to raise funds for those purposes - - - -	35
For the apportionment of charities - - -	7
For the removal of schoolmasters and other officers of Charities - - - - -	4
For aid in the recovery of rents' charge - -	13
For inquiry and general relief, for authorities to proceed before the different Courts, and for other objects not falling within the preceding divisions, and which it would be very difficult and unprofitable to classify with exactness - - - -	420

The facility with which our office may be referred to by all persons interested in Charities, and which we desire to promote to the utmost practicable extent, will probably cause it to be largely occupied at all times by such applications; and, without the means of instituting any systematic or comprehensive inspection of Charities, we must rely much on the information which we either obtain directly by means of such communications, or to which they conduct us, for guidance in the discharge of our duties. Such information becomes progressively very extensive; and it may be stated incidentally, that we have already had occasion to ascertain and register the particulars of more than 3,000 charitable foundations, which, either as founded subsequently to the Reports of the former Commissioners of Inquiry, or as having been exempted from or escaped their inquiries, are not included in their printed Reports.

The consideration of the subject matters of the applications referred to, and the inquiries, correspondence, and proceedings connected with them, have largely occupied our time and attention, and our utmost exertions have been required to prevent the accumulation of business arising from this source.

This business is necessarily conducted in a principal degree by correspondence, and in very numerous cases is concluded without any orders under our seal; and in particular the questions referred to us by the trustees of Charities for their guidance are frequently disposed of in the result of communications with themselves and other proper parties by the official letters of our Secretary, written under the direction of the Board.

It may, however, be convenient to state the relative numbers of orders under our official seal for different purposes during the year.

The number of orders authorizing applications to the Court of Chancery is found to have been - - -	88
The same to the County Courts - - - -	79
The same to other Courts - - - -	5
The orders certifying cases to the Attorney General -	14
The orders prescribing notices of applications proposed to be made to the Court of Chancery for the appoint- ment or removal of trustees or the establishment of schemes under the summary jurisdiction - - -	61
The same, of similar applications proposed to be made to the County Courts - - - -	86
Confirmations of orders of the County Courts made for the like purposes - - - -	62

Orders conveying advice to trustees upon questions involving their direct pecuniary responsibility, and sealed for their security - - - -	51
Orders authorizing the sale of Charity estates - - - -	40
Exchanges - - - - -	4
Building, mining, and other leases - - - - -	25
Improvements, and the raising or appropriation of the necessary funds - - - - -	21
Removal of schoolmasters or other officers - - - -	3
The compromise of claims - - - - -	1
Transfers of stock or money to the official trustees of charitable funds - - - - -	26
Orders requiring information compulsorily from trustees - - - - -	22
For miscellaneous purposes - - - - -	20

No authority has been required from us for any application to be made to the District Courts of Bankruptcy.

It is also observable, that from the commencement of our duties the applications from private persons for authority to institute contentious litigation on behalf of Charities (commonly described as Relators' Suits) have been extremely few. It may probably be assumed to have been a principal object of the Legislature in placing us under a responsibility for controlling applications to the Courts, that a check might be placed upon the institution of suits of this class, which have not infrequently had the effect of absorbing the whole funds of Charities in the cost of ill-advised or reprehensible proceedings; but to whatever cause the fact may be attributable, the occasions for the exercise of our judgment upon the propriety of commencing such suits have been most rare. During the last year we have received only one such application, which is at present the subject of some pending inquiries.

Further experience has confirmed us in our estimate of the very beneficial effect of our authority to direct and indemnify trustees by our advice in cases of doubt or difficulty; but we have reason to think that its benefit would have been greater if the law had given to our direction (at least when adopted by a majority of the trustees) a binding effect, until reversed or varied by a competent court.

The facilities for granting leases and effecting improvements of Charity estates under the order of our Board are found to be productive of great advantage and convenience. The orders for these purposes, which before the institution of our Commission could only be obtained at considerable cost from the Court of Chancery, have been for the most part made by us with little or no expense to the Charity, our requisitions in these cases being usually restricted to the production of such evidence of the expediency of the proposed transactions, as the trustees in the prudent administration of the property should ordinarily require for their own guidance. The duty imposed on us by the Act of the last session, of exercising a supervision over the grant of all beneficial or extended leases of Charity estates will rapidly extend this department of our duties, and we are already experiencing their pressure.

We have no doubt that the exercise of the powers referred to, and of this salutary control, will result in a considerable increase of the income, and in extensive improvements of the condition, of very many Charity estates.

Orders authorizing the sale of estates of Charities have been made by us in forty cases during the year, the number of applications made to us for this purpose having been seventy-three.

When the property of Charities is in a dilapidated or deteriorating condition, and no sufficient funds are available for its repair or maintenance, or where local or other circumstances render its alienation desirable, or the sales may be productive of any considerable pecuniary advantage to the Charities, we have readily authorized such transactions. It will also be very satisfactory to us if we can induce a much more general redemption by land owners of small rents charged on their estates for the benefit of Charities than has yet been effected. These charges constitute very ineligible endowments of Charities, being unimprovable and of declining value, while their recovery becomes in very numerous cases difficult and precarious, and their payment is sometimes resisted under an undisguised reliance on the difficulty of its enforcement.

It is, however, generally inexpedient to permit the conversion of the real endowments of Charities into personalty, and our orders authorizing sales are in all ordinary cases accompanied by a condition imposed on the trustees, that the purchase money shall be re-invested in land at the earliest opportunity under our direction.

The instances in which we have sanctioned exchanges are very few. Our orders have not the effect of transferring the titles of the properties exchanged, which is the operation of orders made for the same purposes by the Inclosure Commissioners, whose concurrent jurisdiction is for this reason more beneficial and inexpensive. We have felt it necessary in some cases to require that applications for our warrants to effect exchanges should be referred to the consideration of the Board of the Inclosure Commissioners, and in the present state of the law we apprehend that this practice must be frequently adopted. We are not empowered to sanction partitions of Charity Estates.

The Act of 1853 requires notice to be given under the direction of our Board of all applications to the Judges of the Court of Chancery, or the County Courts, for the appointment or removal of trustees or the establishment of schemes. We find that in the result of these notices there occur to us frequent opportunities of removing differences or settling questions which might otherwise be made the subject of contest or discussion before the Courts, and our certificates are suspended as far as may properly be done for facilitating such arrangements.

During the past year we have granted 167 certificates authorizing applications to be made to the Court of Chancery and County Courts for various purposes connected with the administration of Charities, the relative number of such applications having been 88 to the Court of Chancery and 79 to the County Courts.

Whatever reduction in the expense of applications to the Court of Chancery may have been effected by the provisions which authorize summary proceedings before the Judges in their chambers, their cost is still very onerous to the smaller Charities, frequently intercepting the whole income in a very embarrassing manner, and rendering the access of the trustees to judicial relief for ordinary administrative purposes, difficult, but over these circumstances we have no control. When applications to the County Courts have been required we have hitherto undertaken the responsibility (though perhaps exceeding our proper province) of so framing our certificates that they should contain a statement of all the circumstances necessary for the information of the Judge or requiring his adjudication, and should moreover indicate the precise nature of the relief to be applied for and the terms of the orders which should in our opinion be properly made. When the establishment of schemes has been required we have undertaken the further duty of preparing them for the approval of the judge, and the judges have rarely thought it necessary to modify the terms of the orders or schemes so suggested to them in any degree of importance. The preparation of these extended certificates and schemes, involving in most cases much minute inquiry and consideration, as well as frequent communications with the parties interested, has added materially to the duties of this branch of our jurisdiction, and greatly exceeds the labour which would be incident to the exercise of any direct jurisdiction for the accomplishment of the same objects.

Under the general orders made for regulating the proceedings in the County Courts no court fees are payable in cases of applications relating to the smallest Charities; and a further order, that statements of facts in our certificates shall be received in those courts as *prima facie* evidence of such facts, has tended to a much greater saving of expense; but even with these advantages the expense of the proceedings, especially where professional assistance is required for their conduct, is often a source of considerable inconvenience.

We may record the frequent expressions which are made to us of disappointment, that where the relief required by Charities is of a simply administrative character, relating to matters already investigated and involving no matter of title or contentious question, there is a necessity of incurring the expense and delay unavoidably incident to applications to the courts.

The additional facilities created by "The Charitable Trusts Amendment Act" of the last Session, for the transfer of funds belonging to Charities to the official trustees of charitable funds, have already resulted in a large increase

in the amount of stock and monies so transferred, and further transfers are being frequently made under the orders of our Board (though these are permissive only), and of the various courts which have jurisdiction for the purpose.

The amount of stock transferred to the official trustees up to the 31st of December last was 27,519*l.* 14*s.* 2*d.*, belonging to sixty-two different Charities; and we may add, that since that period, further sums of stock amounting to 13,731*l.* 17*s.* 7*d.*, belonging to twenty-three different Charities, have been already transferred, and we have been required to execute numerous orders for similar transfers, which have not yet been carried into effect.

The amount belonging to each Charity is placed to a separate account in the books kept for that purpose in our office under the immediate superintendence of our Secretary, and the dividends are apportioned and remitted to the trustees of the various Charities with entire regularity.

The possibility of loss or irregularity in the management of these funds is carefully guarded against by the provisions of the Act of the last Session; and recourse will doubtless be had most extensively to this mode of investing charitable funds, as its security and economy and great practical convenience become generally known. The duties and responsibilities attending the direct management of this branch of the business of our office, which is becoming very important, have devolved upon our Secretary, in addition to the other functions of his office; and their labour is little relieved by the control over them required to be exercised by the Board.

We have already referred to the present impracticability of entering upon any systematic or general investigation of the Charities of the kingdom, but our inspectors have been actively engaged in the performance of their duties in various localities, and have examined the circumstances of very numerous charitable foundations, necessarily varying in magnitude and importance.

They have proceeded with the investigation (which is not completed) of the Charities of the City of London, and have examined among other Charities of minor importance those of,—

The city of Hereford.

The towns of Leominster and Ledbury, in the county of Hereford.

The parishes of Sevenoaks and Goudhurst, in the county of Kent.

The towns of Northleach and Wotton-under-Edge, in the county of Gloucester.

The towns of Tipton and Walsall, in the county of Stafford.

The city of Salisbury and the town of Westbury, in the county of Wilts.

The Towns of Nottingham,

„ Northampton,

„ Southampton,

„ East Grinstead, in the county of Sussex,

and

„ Ilminster and

„ Frome, in the county of Somerset.

In the result of such inquiries, and of others prosecuted under our direction, we have thought it our duty, in the course of the past year, to prepare schemes to be submitted to Parliament for the application and management of the following Charities, viz:—

1. Sherburn Hospital, in the county of Durham.

2. The Endowed School at Moulton, in the county of Lincoln.

3. The Grammar School and other Charities, in the town of Spalding, in the same county.

4. The Grammar School and Sir Thomas Waite's Charity, and other Charities in the city of Coventry.

5. The Grammar School and Sir Thomas White's Charity, in the town of Nottingham.

6. Dulwich College, in the county of Surrey.

7. The Hospital of Stoke Poges, in the county of Bucks.

8. Saint Mary Magdalen Hospital, near the city of Bath.

These schemes have been provisionally approved and certified by us, as required by the law; and they are set out in full, as is further directed by the Act of 1853, in the Appendix to this our Report, in which the grounds of

our approval thereof respectively, and the other particulars required by the law, are also stated. The schemes in the two first cases were made the subject of a supplementary Report submitted by us to Your Majesty in the month of June last, but no measures having been founded on that Report, it is our duty to annex them to the present Report.

The schemes referred to, containing numerous provisions of detail, and intended in most instances for the organization of very comprehensive institutions, are unavoidably voluminous; and the Act having also imposed on us the duty of stating fully the reasons for which the Schemes have been approved, the mode in which any objections to them have been disposed of, and the particulars and grounds of all proceedings had in relation to such objections, it has been found expedient to extend our Report even more largely, by prefixing to each scheme a full statement of the foundation and condition of the Charities proposed to be affected by it. These statements render any detailed observations on the same subjects unnecessary in this place.

The schemes for the reconstitution of the Sherburn and Magdalen Hospitals afford examples of proposed restorations of very ancient institutions to purposes kindred to those of which they were the instruments at very remote periods.

The scheme relating to Dulwich College is designed to effect the expansion of a munificent institution, in accordance with the plan of the founder, to enlarged purposes commensurate with the extension of the value of the endowments.

The schemes for the enlargement of the benefits and for the regulation of the Moulton School, and for the better adaptation of the Hospital of Stoke Poges to the limited objects which its contracted means are now capable of accomplishing, involve little variation of the original trusts.

The schemes for the improved application of the charities of Coventry, Nottingham, and Spalding are examples of proposed applications of funds to purposes of great public advantage, but to which they have not hitherto been appropriated.

The scheme which relates to the Charities of Coventry proposes to deal with funds which have been applicable by way of loans to young freemen, but have become so excessive, that there is an existing accumulation exceeding 20,000*l.* wholly unemployed, and which, moreover, receives accretions equivalent to more than a yearly amount of 300*l.*

There are even much larger funds arising under the same and other foundations, and exceeding in yearly income 2,000*l.*, the subject of direct and somewhat indiscriminate pecuniary distribution among the inhabitants.

It is proposed with these ample resources (after reserving a sufficient loan fund) to establish and largely endow an institution, which all parties interested in the welfare of the city concur in recommending, namely, an industrial school for the maintenance and instruction of the daughters of the poor; to aid and expand the benefits of a high school in which classical and commercial education shall be accessible on very moderate terms to all the inhabitants, with a reservation of some preferential advantages to the children of freemen; and to provide other facilities for educational improvement and for instruction in the sciences most applicable to the industrial pursuits of the population; to build and endow a ward in the hospital for the benefit of the freemen; to support the dispensary; and to provide a pension fund and means of affording also direct and discriminate aid, under proper regulation, to the really necessitous.

It was to be expected that these extensive proposals would receive considerable opposition from many parties, including the dispensers as well as recipients of so large funds under the present system, and much objection to them has been expressed. Being however satisfied that the "commonwealth" and permanent benefit of the whole town may be legitimately and most materially advanced by the adoption of the proposed measures, we have considered it our duty to embody them in a scheme to be submitted to the wisdom of the Legislature. Its decision may enable us the more confidently to select our course of duty in other cases.

We have received a representation that the distribution of these doles has the effect of diminishing the claims on the poor's rates, but certainly do not find in that statement an objection to any scheme for the proper regulation of their employment; and though it is not doubted that they now afford proper relief to many and deserving persons, we should confidently hope for the diffusion

among a much greater number of meritorious persons under the provisions of the scheme of benefits exempting them from the necessity of seeking relief either from public funds or from those which are now the subject of discretionary distribution.

These observations are applicable in degree also to the schemes relating to the charities of Nottingham and Spalding.

The expectation expressed in our last Report of a more general compliance with the law, which requires from all trustees of Charities an annual return of their accounts, has been only partially realized.

The number of such returns received at our office during the past year has been 10,602, of which number 8,266 only belong to the year 1854, and the remainder to the year 1853, which ought properly to have been made in the preceding year. Many of these returns, however, embrace numerous Charities consolidated under the management of the same trustees, and many others relate to Charities of which we had received no former returns, and they have materially increased the entire number respecting which material information is afforded to us by such means. It is difficult to over-estimate the importance of a regular return of such annual accounts as one of the efficient means of securing the due administration of Charitable Trusts. We have availed ourselves of every opportunity of promoting this object without causing the institution of any compulsory proceedings, being sensible of the necessity of using great consideration in the application of measures of such a character to persons discharging gratuitous and onerous duties, where there has been an absence of special reasons for imputing to them any more grave neglect of their trust. In some instances, however, during the last year we have found it indispensable to direct the institution of proceedings for the purpose of obtaining the requisite returns or other information from trustees, and they have had the effect of inducing an obedience to the law without a necessity for continuing them to any ultimate stage.

We anticipate great advantage from the salutary provision of the Act of the last Session, which requires the trustees of all parochial Charities to submit them to public audit in the vestries. The performance of this duty will no doubt be very generally exacted; and the regularity of the accounts to be kept for the purposes of this examination, and their necessary publication, being insured, we may well expect their remittance to this office also with improved regularity.

The investigation of the accounts of which the returns have been received is prosecuted with as much regularity and expedition as the large number to be dealt with, and the difficult and complicated questions frequently involved in them, permit; and this investigation has already led in very many instances to the recovery and due investment of the funds of Charities, and to the rectification of errors and irregularities in their administration.

All which we humbly report to Your Majesty.

In witness whereof we have directed our Official Seal to be hereto affixed, this twenty-eighth day of February One thousand eight hundred and fifty-six.

L.S.

APPENDIX
TO
THE THIRD REPORT
OF
THE CHARITY COMMISSIONERS
FOR
ENGLAND AND WALES.

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APPENDIX.

No. 1.

The CASE of CHRIST'S HOSPITAL at SHERBURN, near Durham, in the county of Durham, commonly called SHERBURN HOSPITAL.

THIS Hospital was founded by Hugh Pudsey, Bishop of Durham, in the reign of King Henry the Second, for the relief of persons afflicted by leprosy.

The Charter of Foundation, after expressing the earnest piety and benevolence of the founder, and his particular compassion for the sufferings which he designed to alleviate, proceeded to declare in very definite terms the whole objects of the foundation, and to provide, by the endowments of the founder and the aid of other benefactors, the means of accomplishing them.

It ordained the perpetual celebration of divine services by three priests and four clerks, established for that separate duty, and directed that sixty-five lepers, at the least, should always be provided for in the hospital, and that their "Procurator," to be set over them by the Bishop of Durham, for the protection of themselves and their possessions, and who should be "a priest rather than of any different order," if to be found of sufficient qualification and integrity, should have the whole government of the institution and its properties.

It then endowed the hospital with large estates, devoting them wholly to its benevolent purposes, under the sanction of very solemn adjurations and injunctions against either their diversion by the procurator to any separate advantage of himself, or their subtraction or diminution by others.

This Charter is printed in the reports of the former Commissioners for Inquiring into Charities, in the following terms, which are set out in full for their important bearing on the proposed reconstitution of the Charity:—

HUGO Dei gratia Dunelmensis Episcopus dilectis filiis Germano Priori Dunelmensi Burchardo et Willielmo Archidiaconis et omnibus clericis et laicis totius episcopatus sui et omnibus ad quos literæ præsentis pervenerint salutem et Dei benedictionem.

Non est humanæ possibilitatis dignam Dei largitionis et munificentiae pro susceptis beneficiis vicem rependere nisi virtus altissimi gratis donet ut quod donat sibi redonari permittat nec sic valet humana servitus sui creatoris gratiam promereri quia pro susceptis a suo largitore beneficiis dignas sibi ipsi gratiarum referat actiones et eorum quæ sibi sunt largiente divina bonitate collata partem quam capiti principatus nequit impendere membris ejus studeat impertiri; hinc est, quod divina miseratione communiti Domum Hospitalem Leprosorum faciendam mente concepimus et de loco partim quo fieri deberet edocti domum ipsam in honorem Salvatoris et Beatæ Mariæ semper Virginis et Sancti Lazari sororum-que ipsius Mariæ et Marthæ cum quibusdam eidem hospitali beneficiis ad sustentationem assignatis juxta pontem de Shirburne prope Dunelmum ædificavimus. Quam principaliter pro pace Regni et salute corporis et animæ carissimi domini nostri Henrici illustrissimi Angliæ Regis et Ducis Normanniæ Aquitaniæ Comitis Andegavensis et omnium prædecessorum et hæredum suorum; et pro nostra propria salute qua præ cunctis indigere videbamur et pro illorum requie sempiterna qui nos in honore episcopatus sublimaverunt et pro ipsorum salute perpetua qui de facultatibus suis elemosynas eidem hospitali largiti fuerunt vel imposterum largientur aut largitas custodire et tuebuntur et pro omnium fidelium tam vivorum quam mortuorum salute construere procuravimus quatenus ibi de beneficiis, et possessionibus eidem hospitali caritative collatis ipsorum-fames sitis et nuditas leprosorum aliique defectus et miseriæ quibus incessanter affliguntur procurantium obsequiis ad hoc assignatis ad nostram et omnium Christi fidelium pacem perpetuam et salutem releventur. Statuimus igitur ut in ecclesia ibidem in honorem prædictorum sanctorum consecrata et in capella interius infra domum infirmorum in honorem Sancti Nicholai constructa divina semper a tribus presbyteris et quatuor clericis ad serviendum ibidem statutis pro temporali pace prædictorum et requie sempiterna celebrentur. Sed et quinque conventus leprosorum (hoc est) sexaginta quinque numero semper ad minus, ibi victu pariter et vestitu procurantur et eorum procurator qui eos et eorum possessiones custodierit ab episcopo sacerdos potius quam alterius ordinis (si bonus et fidelis inventus fuerit) præficiatur et in episcopi potestate consistat procuratorem si minus idoneum invenerit amovere et alium quem magis crediderit convenientem instituere; et cum plenius cuncta suæ potestati submissa cognoverit tanto diligentius cuncta tueatur eorum usibus omnimodo profutura pro

quorum sustentatione data sunt observare quatenus de impensa in observandis eorum possessionibus et augendis sollicitudine se confidat et credat a Domino percepturum gaudium felicitatis æternæ, et de negligentia si affuerit vel commodo temporali sibi non eis quæsito quod Deus avertat pœnas non tantum temporales sed æternas se timeat suscepturum a summo iudice juste judicante. Procuratoris vero providentia pariter et discretione cuncta quæ interius agenda fuerint et exterius tam de infirmorum receptione quam de sanis fratribus et maturis sororibus ad serviendum recipiendis et de possessionibus augendis et regendis ordinetur. Ad eorum itaque sustentationem consilio et assensu prioris et capituli nostri, necnon archidiaconorum et omnium clericorum nostrorum eidem hospitali dedimus et concessimus et presenti carta confirmamus de Dominico nostro villam ipsam de Shirburne cum molendino et pasturis et aliis rebus per rectas divisas ad ipsas pertinentibus de quibus cum primum ad episcopatum venimus annuatim episcopo sexaginta tantum solidi reddi solebant. Et super Darwentam fluvium qui forestam nostram dividit a vicinis, Ebchester locum (viz.) anachoritarum ad animalia fratrum infirmorum usibus ibi nutrienda et ad eorum pastores ibidem procurandos, licentiam dedimus de sartis proficiendis unam carucatam terræ arabilis, quæ octies viginti acras tantum in se contineat. Et duas bovatas terræ in Wytton quæ antiquitus pro servitio capellæ ejusdem villæ datæ fuerunt. Et septem alias bovatas in eadem villa quas de Galfrido filio Ricardi et Auberico sicut cartæ venditorum testantur, emimus. Et villam de Garmundsway cum omnibus ad eam pertinentibus quas sumptibus propriis acquisivimus, reddendo inde pro tertia parte singulis annis imperpetuum Radulpho filio Paulini de Eboraco et hæredibus ejus quatuor marcas pro omni servitio duas (viz.) ad Pentecostam et duas ad festum Sancti Martini sicut ejusdem Radulphi carta testatur. Confirmamus eis etiam unam carucatam terræ juxta Garmundsway cum omnibus ad eam pertinentibus quæ Raceby vocatur, quam de Barone primo ejusdem terræ cultore et habitatore jamdudum emerimus et eis donaverimus sicut in carta ejusdem Baronis quam inde habent continetur, reddendo inde singulis annis Domino majoris Kellow quindecim solidos pro omni servitio. Et præterea unam carucatam terræ in Shoreveton cum pastura ad mille oves et cum omnibus aliis rebus ad eam pertinentibus quam Thomas filius Stephani filii Burnolfi predictis leprosis pro amore Dei et intuitu nostræ dilectionis in puram et perpetuam elemosinam dedit et concessit et carta sua confirmavit sicut Monachi Rievallenses eam melius unquam et plenius habuerunt et tenuerunt quam Stephanus pater ipsius Thomæ et Thomas eis prius per viginti quatuor annos tenendam concesserant pro qua tribus annis ante predictum terminum elapsis dimittenda cum edificiis eorum ad opus infirmorum retentis, prædictis monachis quinquaginta marcas argenti donavimus. Et præterea unam bovatom terram in eadem villa juxta prædictam terram eorum confirmamus quam Robertus prædicti Thomæ patruus eis in puram et perpetuam elemosinam dedit et carta sua confirmavit. Et insuper eis donavimus ecclesiam de Kellow juxta ejus parochiam consistentem et ecclesiam de Grendon quam novam et recenter in honorem beati Thomæ Martyris construximus; sed etiam ecclesias de Sockburn et Bishopton quas dilectus filius noster Rogerus de Coyners assensu Roberti filii et heredis sui eidem hospitali dedit et concessit et carta sua confirmavit. Nos eas ecclesias eidem hospitali confirmamus, ita duntaxat quod procuratur infirmorum singulis prædictis ecclesiis vel aliis eisdem infirmis imposterum conferendis, ad concilium episcopi perpetuos et idoneos assignet vicarios qui cuncta ad ecclesias pertinentia exceptis tribus decimis tantum, bladi, viz., agnorum et lanæ, suis usibus habeant et retineant, pro quibus ecclesiis honestè deserviant et omnia onera ad episcopum et officium ejus pertinentia sustineant, salva leprosis terra capella de Wytton jamdudum assignata cum alia quam eis in eadem villa, sicut prædictum est, acquisivimus. Pauperes autem predictas tres decimas tantum de singulis ecclesiis ad victum suum habeant, de quibus nulli omnino homini in aliquo temporali servitio respondeant. Siquis vero quicquam eorum quæ prædicti fratres in præsentī possident vel in futurum Deo juvante poterint adipisci subtrahere imminuere vel auferre sciens [attemptaverit iram] et indignationem Dei Omnipotentis omnium sanctorum et sacro-sanctæ matris ecclesiæ se noverit animadversionem incursum. Omnibus autem eisdem fratribus beneficia conferentibus vel collata conservantibus sit pax, vita, salus et æternæ felicitatis gaudia largiatur omnium bonorum largitor Dominus.

This charter remained in force until the reign of Queen Elizabeth, when, notwithstanding that the Charity had received additional endowments, yet its income had become greatly reduced by mismanagement or malversation, and it appears to have been sufficient only to afford an asylum and scanty maintenance to a limited number of poor persons.

Under such circumstances, and when also the original constitution of the Charity seems to have been unknown, a new scheme for its application was established by an Act of Parliament passed in the 27th year of Queen Elizabeth, "for avoiding all ambiguities, doubts, and questions about the name of incorporation or other matters whatever against the hospital of Sherburn."

The Act incorporated a master and 30 brethren of the hospital; and enacted, that the Bishop of Durham should have the appointment of the master, who should be a preacher having no cure or charge of souls elsewhere; that the brethren should be

appointed by the master, with the exception of one, to be appointed by the owner of the manor of Thornley; and that the master and brethren should continue in the enjoyment of their accustomed houses, land, pensions, and other profits, but that the master should pay to every brother an additional pension of 10s. yearly. It further authorized the Bishop of Durham to make ordinances binding on the master and brethren.

It is observable, that no reference is made in this Act to the original foundation or its purposes or regulations: and Commissioners who held an inquisition only nine years subsequently under the authority of the Crown, stated their inability to ascertain any foundation prior to the Act. They found that the brethren were "lame, blind, impotent, or otherwise decayed persons:" but no qualification by sickness or disease appears to have been required in them; and ultimately ordinances were made by Bishop Chandler, in the year one thousand seven hundred and thirty-five, even disqualifying all persons "labouring under "any sickness or incurable or infectious disease" from admission, "though the lame and "impotent were to be considered in the first place."

The Act omitted to provide for the extension of the benefits of the Charity with any increase of its resources, or to prescribe the manner in which any eventual redundancy of its income should be applied. It has accordingly continued to comprise only the master and the same fixed number of thirty brethren, latterly divided into two equal classes, the one resident in the hospital, and receiving there allowances of money, food, clothing, and other necessities, and the other consisting of "out-brethren," receiving at their own dwellings pecuniary pensions of twenty pounds each. A residence in the hospital and a stipend are provided for a chaplain or deputy of the master, charged with the performance of or a participation in the spiritual duties of the establishment, and aiding the master in its superintendence. The ordinances of Bishop Chandler authorized the appointment of such an officer, but he is not a member of the corporation.

In the meantime the estates of the Charity have greatly increased in value; and notwithstanding a very injurious system of leasing which has prevailed in their management, a large and increasing revenue is derived from them, greatly exceeding all the wants or purposes of the present establishment.

The estates comprise, besides the site and buildings of the hospital, considerable demesne and other lands in its vicinity, and elsewhere in the county of Durham, some containing valuable mines, and besides the advowsons of the vicarages of Bishopton, Sockburn, and Grindon, and of the chapelry of Ebchester, large impropriate tithes in the same parishes, and in the parish of Kelloe. There are also sums of stock in the public funds, amounting together to about two thousand seven hundred and eighty-five pounds, which are the capital property of the hospital, and the dividends of which are part of its regular income.

The average yearly income received from all these sources during the years one thousand eight hundred and fifty-one, one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-three, exclusively of renewal fines, but including mineral rents to an average yearly amount of about two thousand two hundred pounds, is estimated to have been about four thousand two hundred pounds. The fines received during the same years for the renewal of beneficial leases averaged the further yearly sum of four hundred and seventy-three pounds; making up the total average income to about four thousand six hundred and seventy-three pounds.

The annual expenses of the hospital, including all payments and allowances to the full number of brethren, have been estimated at the yearly sum of one thousand pounds; and the expenses of management and other outgoings, payable from the income of the Charity, at the yearly sum of three hundred and fifty pounds, making together one thousand three hundred and fifty pounds.

The surplus income, which appears to have exceeded in the stated years an average amount of three thousand pounds, was receivable by the late master for his own benefit, or as subject wholly to his disposal; and, although it is proper to state that he voluntarily appropriated certain yearly sums to the augmentation of the vicarages in the patronage of the hospital, and towards the maintenance of schools, and is stated to have applied a considerable expenditure to the improvement of the buildings, yet these appropriations and expenditure cannot be described as having materially affected the very great disproportion between the pecuniary advantages and the duties of the mastership. The appropriations referred to for the benefit of the vicarages and schools are understood to have amounted to the yearly sum of two hundred and ten pounds.

It is estimated that upon the expiration of the existing beneficial leases of the impropriate tithes the income now received from them will be increased by a yearly amount of one thousand four hundred pounds, the principal leases in point of pecuniary importance being in force for periods varying from eleven to seventeen years yet unexpired; and that upon the expiration of beneficial leases of other estates of the Charity, which are held principally for lives, the income arising from them will be improved by a further yearly amount of three thousand pounds, calculated according to present values. The uncertainty of the mineral rents renders it impracticable to estimate confidently the entire ultimate income of the Charity, even according to present values; but according to the result of inquiries a diminution or failure rather than increase of these rents is to be expected. It need not, however, be observed that the preceding anticipation of future augmentations of income renders it necessary to exclude any amount of renewal fines from

the computation of present revenue, it being considered that such fines (if any) will be taken in few and exceptional cases.

The mastership became vacant in the month of January one thousand eight hundred and fifty-four by the death of the Reverend George Stanley Faber, the late master; and the income of the Charity is temporarily collected by a receiver appointed for this purpose by the Court of Chancery upon an application made to it by Her Majesty's Attorney General at the recommendation of the Charity Commissioners. All the payments and allowances made during the life of the late master, including the yearly amounts appropriated by him to the augmentation of the vicarages and to the aid of schools, have been continued under the advice of the Charity Commissioners since his death; but the places of any brethren of the hospital who have since died have not been filled.

At the earliest period after the death of the late master, the Commissioners felt it their duty to address the Bishop of Durham, and to suggest the expediency of his suspending any appointment to the mastership, until an inquiry, which they were desirous of instituting into the circumstances of the Charity with a view to its more beneficial application, should have been completed. His Lordship assented to this proposal with great liberality, and has forborne to exercise the patronage of an office hitherto of great pecuniary value, and offering other important advantages to its possessor. The Commissioners have reason to acknowledge with great respect the decision of the Bishop of Durham to adopt and adhere to that course.

They have since made an extended inquiry through their inspector, and by all other means available to them, into the whole circumstances of the Charity, and have anxiously considered the means of extending most largely the proper advantages of so munificent a foundation.

In selecting the proper objects of an enlarged application of its funds, they have reverted for their guidance to the design of the founder, and, though happily the specific sufferings which he desired to alleviate do not now prevail, they have sought to render his benefits applicable to purposes of a kindred character, and have provisionally approved the scheme to which this statement is prefixed, having for its main object the relief of chronic or continued disease and suffering. These sufferings are of a very painful class, to which eleemosynary institutions are not frequently open; and the Commissioners considering that they constitute a stronger claim to the benefits of the foundation, and one more in unison with the intention of the founder than the ordinary discomforts and disabilities incident to age, have proposed that its principal resources shall be applied to their relief. It is provided at the same time that the present brethren shall continue to receive during life all their advantages, but that their places becoming vacant shall be filled only according to the new regulations.

It is also proposed to make some permanent augmentations of the vicarages of Bishopton, Sockburn, and Grindon, and the chapelry of Ebchester, in the patronage of the hospital, as well as of the vicarage of Kelloe, with the churches of Wingate and Thornley, which have all very limited endowments. The inappropriate tithes, arising from the parishes of Bishopton, Sockburn, Grindon, and Kelloe, and belonging to the hospital, are of important value, and the property in Ebchester belongs also largely to it. The population of these localities has greatly increased, and the incomes of the incumbents, which are very disproportionate to their duties and to the claims to which they are subject, were augmented by the late master. The augmentations are proposed to be increased and made permanent, but provision is made for selling the advowsons of the vicarages and chapelry, which are in the patronage of the hospital, and they may be expected to realize larger sums for its benefit in consequence of these augmentations.

Provision is also made out of the funds of the Charity for the religious and moral improvement of the poor locally connected with its estates, by contributing to the institution or support of schools for those purposes. It is also proposed to give permanence and to attach a fixed endowment, with a fit residence, to the chaplaincy of the hospital, for the benefit not only of the establishment, but, as far as practicable, of the neighbouring population also, and to create facilities for the tenure by the chaplain of the ministry; also of any ecclesiastical district, comprising the site of the hospital, which may hereafter be formed. It is considered that the advantages to be secured to the chaplain will render his position eligible, in a pecuniary view, even without computing any other sources of income which may arise to him from such a district or its church.

Finally, it is proposed that aid to a prescribed amount shall be afforded to the Durham County Hospital, by means of an annual contribution from the funds of this Charity, determinable upon the payment of an equivalent gross sum, if found more convenient. Any reasonable conditions may be attached by the governing body of the Charity to these benefactions, and it is contemplated that means of affording great relief to suffering, and of advancing the benevolent objects of both institutions, may be attained through the co-operation of their managers in the disposal of these benefactions.

It has been impossible to propose a scheme for such an enlarged application of the Charity, consistent with the retention by the master of the large pecuniary advantages hitherto enjoyed with the office, and it has been considered also to be very important, that the duties imposed on the master by the charter should be distributed.

It is considered to have been no part of the design of the founder that the master should be a large recipient of the funds of the Charity. In whatever manner he was to be

compensated, the expressions of the charter, that all things should be for the exclusive use of those for whose maintenance they were given, and the very solemn prohibitions of any pursuit by the master of any separate advantage to himself, as distinguished from the objects of the charity, seem to exclude all doubt on this question. It is further important to observe, that the functions to be discharged by the master under the terms of the charter were wholly secular. The guardianship of the inmates of the hospital and of their possessions, the management and increase or improvement of their estates, and the whole government of the institution, were committed to him, and it being apparently assumed that a combination of the necessary qualifications for these duties would be found at that period only in an ecclesiastical person, it was directed that he should be a priest rather than of a different order, but all his expressed duties were of a lay character, and the prescribed spiritual services were to be performed wholly by others, of whom the chaplain and not the master may be considered to be now the representative or successor. These considerations have appeared to the Commissioners to relieve any proposed division or transfer of the master's original duties, which may be required in the interest of the Charity at this remote period and under very altered circumstances, from objection referrible to the charter.

It is accordingly proposed to vest the general government of the institution, and of its estates, with extensive powers for these purposes, in a body of governors of the highest respectability, and combining various qualifications, on whom, under the presidency of the Bishop, the fullest reliance may be placed for the faithful and effective discharge of the trust.

It is proposed to provide for the spiritual duties of the establishment, and to extend the sphere of their benefit, by the establishment and endowment of the chaplaincy, as has already been noticed.

A different class of duties will require to be discharged towards the inmates of the hospital, to which an ecclesiastical person would be unequal or unfitted, including the whole medical care and direction of the institution, as well as a responsibility for its internal management, and for carrying the detailed orders of the governors into effect. It is proposed to entrust these duties, and the necessary authority for their discharge, to a duly qualified medical officer, and, with reference to their extent and importance, to confer on him the title of master.

It is, however, a cause of deep regret to the Commissioners that this proposed plan for reconstituting the government of the Charity is disapproved by the Bishop of Durham. His Lordship desires that the office of a clerical master should be continued, and that in consideration of a large income to be appropriated to him from the funds of the charity, he should have imposed on him the spiritual charge of a new ecclesiastical district, in addition to such duties of his office as will remain to be performed by him.

The Commissioners are entirely sensible of the great deference due to the judgment of the Bishop of Durham. They know its liberation from all influence of personal interest, and are aware also of the munificence with which it is understood that his Lordship is prepared to advance the object of his recommendation from his private resources, but in framing the scheme they did not consider that the income of the Charity, which is not of an ecclesiastical character could be applied with propriety to the indirect endowment of a benefice for the benefit of a population very partially connected with the institution, or that the emoluments of an officer of the Charity, as such, should be widely incommensurate with the duties to be performed by him.

They have proposed the perpetual appropriation of the considerable annual amounts of 650*l.* to the augmentation of benefices having the near relations to the Charity, which have been already adverted to, and 280*l.* to the aid of parochial schools on the same principles; but these principles would not equally support any large endowment of the proposed new benefice, and the Commissioners can only state, with the greatest respect to the Bishop, and in order to the correction of their own humble judgment as may be necessary, the grounds of their decision.

The scheme originally proposed by the Commissioners has been partially modified upon consideration of various objections and suggestions which have been made respecting it.

The objections applying to the scheme in its present shape, so far as they appear to be material, and can be conveniently stated, relate in substance to the following points, namely:—

- 1st. To the matter already adverted to of the proposed discontinuance of a clerical master of the hospital, which objection is made also by the Archdeacon of Durham, and Mr. Spearman, the present owner of the Thornley estate, and some other gentlemen, as well as by the Bishop of Durham.
- 2d. To the provision which fixes a limit in point of age to the eligibility of the medical master, and requires to the sufficiency of his appointment by the Bishop the approval of the other governors.

“ This objection is also made by the Bishop of Durham.

3d. To the proposed grant in favour of the Durham County Hospital.

It is objected by the Bishop, and by other persons, that it is improper to appropriate the Charity funds to such a purpose; and by others, that the grant should be extended to some similar institutions, but is not so extended.

4th. To the proposed grants in augmentation of the endowments of the benefices connected with the Charity, and in aid of Schools.

The objections to these grants assume also two forms, viz.:

That any such grant is improper; and

That the grants are insufficient, and should be increased.

5th. To the proposed establishment of an institution for the reception and relief of decayed persons, disabled by disease or infirmity, as contemplated by the scheme.

This objection, again, assumes a double form:

1st. That such an institution for diseased or infirm persons is unnecessary and objectionable; and

2d. That it should embrace other forms of suffering.

These objections have been considered and overruled by the Commissioners upon the grounds which are to be principally collected from the foregoing statement.

The subject of the first objection has already been discussed. It need only be added that the institution being for the relief of persons afflicted by disease and infirmities, it is essential to secure for them the constant supervision and care of an efficient medical adviser and superintendent.

2d. In the opinion of the Commissioners, the provision which is the subject of the second objection, cannot be prejudicial, and may be salutary.

3d. The grant objected to is proposed to be made to a central institution for benevolent purposes, very similar to those of the Charity. It is also in the immediate vicinity of Sherburn Hospital and its estates, and, as before observed, the connexion to be established between the two institutions may be very beneficial to each.

Such grants, however, could not be extended to other local hospitals or infirmaries without impairing too far the efficiency of the principal Charity.

4th. The benefices which are intended to be augmented are very poorly endowed, and their augmentation has been proposed for the reasons already stated. These grants, however, could not be increased consistently with the other claims upon the Charity and the retention of the primary objects of the hospital.

5th. The establishment proposed by the scheme will supply a deficiency in the existing charitable institutions of the locality, and appears to be greatly desired in the neighbourhood, whilst its objects are in accordance with the purposes of the original foundation.

On the other hand, the Commissioners consider that the resources of the hospital will be fully and beneficially employed in providing for the specific objects contemplated by the scheme, and that it is not desirable to extend the Charity more generally to other forms of disease or suffering.

This scheme is as follows:—

SCHEME.

Corporation dissolved.

1. The existing incorporation of "The Master and Brethren of Christ's Hospital in Sherborne, near Durham, in the county of Durham," by that or any other name, shall be dissolved.

Appointment of president and governors.

2. The Charity shall be under the management of fifteen governors, to be called "The President and Governors of Sherburn Hospital," and to consist of the following persons; namely, the Bishop of Durham for the time being, who shall be their President; the Dean of the Cathedral Church of Durham; the Archdeacon of the archdeaconry of Durham; the Chancellor of the diocese of Durham; and the Mayor of the city of Durham; for the time being, by virtue of their respective dignities or offices; the Chairman of the Quarter Sessions for the county of Durham, held at the city of Durham, or the person who shall have been the Chairman of the Justices at the last of such Sessions which shall have been held; Henry John Spearman, Esquire, Lord of the Manor of Thornley, in the same county, while he shall continue such Lord, and his successors, Lords for the time being of the said Manor, and being males of full age; and the following eight non-official governors, being proprietors or residents in the diocese of Durham, that is to say, John Aylmer, of Low Walworth Castle, Esquire; John Eden, of Beamish Park, near Chester-le-Street, Esquire; the Reverend John Patrick Eden, rector of Bishop Wearmouth; John Fawcett, of Durham, Esquire; Henry Fenwick, of South Hill, Esquire, M.P.; Richard Shortridge, of South Shields, Esquire; Henry Stapylton, of Snipeley, Esquire; and William Lloyd Wharton, of Dryburn, Esquire; and their successors to be appointed as herein-after provided.

Succession of governors.

3. Upon the resignation, bankruptcy, or insolvency of any non-official governor, or his ceasing to reside within the diocese of Durham, or his refusal, or incapacity to

act, or omission for a period of two consecutive years to attend any meeting of the governors, his office shall become vacant, or after the death of any such governor, and as soon as conveniently may be after the occurrence of any such vacancy the remaining governors for the time being shall elect some fit person resident within the diocese of Durham to fill such vacancy, so as to keep up the full number of fifteen governors; provided that every such election shall be made at a duly constituted meeting of the governors, of which meeting, and of the election to be made thereat, a written notice shall have been given fourteen days at the least previously by the clerk of the governors to each remaining governor, or under the hands of two or more governors to all the other governors; and every such election shall be recorded under the hand of the chairman of the meeting at which it shall be had, or under the hands of a majority of the governors present thereat, in the minute book kept for recording the proceedings, and shall be forthwith notified by the chairman of the meeting, or the clerk to the governors, as they may direct, to the Charity Commissioners for England and Wales, who, if approving the same election, shall testify such approval by an order under their official seal, and the appointment of the new governor shall then but not previously be complete; provided always, that during any vacancy among the governors, the remaining governors shall be competent to exercise all the authorities hereby vested in the president and governors for the time being.

4. All the real estate of whatsoever tenure and rights and privileges belonging to or held in trust for the charity (subject to the subsisting leases thereof), and the full benefit of all subsisting covenants, conditions, and securities made or reserved to the master and brethren of the said hospital, or to any person or persons in trust for them, or for the benefit of the charity, and all the personal estate belonging thereto, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately vested in the said president and governors hereby appointed, and shall from time to time vest and continue vested in the president and governors of Sherburn Hospital for the time being for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance and the right to sue upon and enforce all covenants, conditions, or securities made or reserved to the said master and brethren before their dissolution, or to or with any preceding governors of the said charity, shall be exercisable by them in the name of the president and governors of Sherburn Hospital for the time being, as fully and effectually as the same right might be exercised by such master and brethren if not dissolved, or by such preceding governors if still retaining their office; and in the same manner all contracts and liabilities of the said master and brethren, or of any preceding governors for the time being of the said Charity, may be enforced against the president and governors thereof for the time being to the extent of the property or assets of the Charity, but not against their private estates.

Charity estate to be vested in president and governors for the time being.

5. The governors shall have the control and management of the Charity estates, and shall let the same, with the exception of the hospital buildings and premises, and such land and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same, and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the buildings (if any), and for the due cultivation of the land or management of the property comprised therein, as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on nonpayment of the reserved rents or non-performance of the lessees covenants.

Governors to let and manage the property.

6. Leases and other instruments for the letting or disposition of the Charity estate, may be made by any five governors for the time being, on behalf and as the act of the whole of them, according to any order of the governors made at any meeting of their body, and shall have the same effect as if executed by all the governors, and the recital of any such order contained in any instrument by which any such lease or other disposition shall be effected shall be *prima facie* evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns shall be parties or a party.

Leases and other instruments may be executed, and actions brought by any five of governing body.

7. The hospital and other buildings belonging to the Charity, (which the lessees or tenants thereof shall not be bound to keep repaired and insured,) shall be kept repaired and insured by the governors out of the income of the Charity.

Houses and buildings to be kept repaired, and insured by governing body.

8. No governor shall become a lessee or tenant of the Charity estate, or any part thereof, or interested in any lease thereof.

No governor to hold Charity property.

9. The governors may appoint some four or more of their number into whose names any sums of stock from time to time belonging to the Charity, which shall not be vested in the official trustees of charitable funds, may be transferred, and who shall be called the "Stock Committee," and as often as the number of the Stock Committee shall be reduced by vacancies to two, then other governors may be appointed in like manner, to whom jointly with the continuing members of such Committee such stock may be transferred.

Stock committee.

Clerk and receiver.

10. The governors may appoint a clerk and a receiver who respectively shall be removable by them at their pleasure, or may grant the offices of clerk and receiver to one person, and may pay or make to such clerk and receiver respectively any reasonable stipends or allowances. Every receiver shall give such security before entering upon his office for the due performance thereof as the governors shall direct.

Duties of clerk.

11. The duties of the clerk, subject to the control and direction of the governors, shall be to give notices of meetings; to attend the governors and any committees of governors as they may require at their meetings; to enter the minutes of their respective proceedings; to keep such accounts, and pay such bills, and to prepare and make out such statements of account as the governors shall from time to time require; to preserve all vouchers for payments on behalf of the Charity; to make out annually a detailed account and statement of the receipts and payments in respect of the Charity, and of its assets and liabilities, which shall be vouched and passed at some general meeting of the governors in the month of January in every year; and to perform all such other duties in respect of the Charity and the management thereof as the governors shall direct.

Residence for clerk and receiver.

Residences or offices in the hospital or its vicinity, to be kept in repair at the costs of Charity, may be assigned or provided by the governors for their clerk and receiver, or either of them, rent free, with any reasonable allowances of fuel or other necessities to be used therein.

Duties of receiver.

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property and the lessees thereof, and shall collect and receive the rents, royalties, and income arising therefrom, and shall make to the governors, in the month of January in every year, or at such other times or time as they shall require, a report showing the state and condition of the Charity estates; and also, separately, the state of the accounts between the governors and their several lessees or tenants; and also full and particular accounts of all rents, royalties, income, and monies collected or received by him on account of the Charity, from the date of the last preceding Report; and of all arrears due of such rents, royalties, or income. He shall from time to time pay all such monies as shall be collected or received by him, immediately upon the receipt thereof, to the bankers for the time being, of the governors for their account, or otherwise dispose thereof as they shall direct, and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, and the management thereof, as the governors shall direct.

Notice of meetings.

13. Notice of every general or special meeting shall be given by the clerk to every governor seven clear days at the least previously to such meeting, and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and time appointed for holding the meeting. All notices to any governor shall be given by writing, either delivered to him or sent by the post to or delivered at his usual place of residence, or to or at the address which he shall have caused to be registered for this purpose with the clerk, and shall be sufficient for all purposes of this scheme, whether the same shall in fact have been received by such governor or not.

General meetings.

14. There shall not be less than four general meetings of the governors in each year, to be respectively held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively; but the governors shall have power from time to time, by their resolution adopted at any prior meeting, to appoint any other day within thirty days next after any of the said quarterly days for holding the then next or any other quarterly meeting or meetings, and to appoint all such other meetings as they shall think necessary for the effective and beneficial management of the Charity. All meetings in the absence of any different order of the governors shall be held in the master's residence, or in some other convenient place in the hospital, and at the hour of noon; but the governors shall be at liberty, by their resolution adopted at any meeting, to fix any other convenient place in or near Sherburn, or in the city of Durham, and any other convenient hour of the day for holding the next or any other meeting or meetings. There shall also be a first general meeting of the governors for the general purposes of the Charity at such time and place as the president shall fix for this purpose, to be held within thirty days after this scheme shall come into operation.

Special meetings.

15. Any two or more governors may, from time to time, for any urgent purposes of the Charity, require the clerk to convene a special meeting of the governors, and the clerk shall, upon the receipt of their written requisition for this purpose, specifying the object of the proposed meeting, give notice in writing to each governor of the time, place, and object of such meeting, and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice.

Quorum of governors at meetings.

16. The president, if present, shall be the chairman at every meeting of the governors. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as that number of governors shall be present, and if the

president shall be absent, they shall proceed to elect a chairman from amongst themselves; and in the event of an equality of votes in the election of chairman, the choice between the persons in favour of whom there shall be such equality shall be determined by lot. The acts and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; but such acts and proceedings, or any of them (except any election of a governor which shall have been confirmed by the said Charity Commissioners), may be revoked or altered from time to time, either wholly or partially, by the governors or the majority of them present at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Majority of votes to be binding.

17. If, after the space of one hour from the time appointed for holding any meeting, a sufficient number of governors shall not be in attendance to form a quorum, the president, or in his absence the governors or governor then present, or a majority of them, or the clerk if no governor be present, may adjourn the meeting to a subsequent day not less than seven days distant. Any meeting may also be adjourned at any time by the chairman, upon a resolution for adjournment being adopted at such meeting.

Adjournment of meeting.

18. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry, or superintending or performing any specific acts or duties which in their judgment may be more conveniently referred or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Appointment of a committee.

19. The governors shall keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, the reports of committees, and all other transactions of the governors relating to the Charity. The minutes of proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Minutes of Meetings.

20. The governors shall keep proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver, or other agents of the governors, shall be examined, vouched, and audited half-yearly at the first general meetings after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, and shall be signed by the chairman and two at least of the governors present at such meeting.

Accounts.

21. The governors shall from time to time appoint and employ such bankers to the Charity or for any purposes thereof as they shall think fit, and all payments of money on account of the Charity shall be made, as far as practicable, by means of orders drawn on such bankers, to be signed by the chairman of some meeting of the governors, and by two at least of the governors present thereat, and to be countersigned by the clerk.

Banker.

22. Such monies, nevertheless, as may from time to time be required for payment of the current expenses of the Charity, may be paid or advanced by the governors for that purpose to such officer of the Charity as they may think fit, and shall be paid to him on account by means of orders on the said bankers, and every such officer shall render a full and exact account of all such monies received or expended by him to the governors at their next meeting after every such receipt or expenditure.

Payment of current expenses.

23. The Governors shall provide some suitable room or safe in the hospital, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof, and the contents of such room or safe shall be examined by or under the direction of the governors at least once in each year; and such room or safe shall be kept locked, and the keys thereof shall be kept in such secure custody and under such regulations as the governors shall from time to time prescribe.

Custody of documents.

24. The annual and other rents, profits, and income to arise from all the real estate belonging to the Charity, (except the rents, royalties, or monies payable in respect of any mines or minerals belonging thereto, and except the produce of any timber cut on the Charity estates which shall not be required for any repairs or buildings thereon,) shall, together with the dividends, interest, and income to arise from the stocks, securities, and other personal estate belonging to the Charity, be placed to an account, to be kept in the books of the governors under the name of "The General Income Account," and shall be applied and disposed of by the governors for the purposes directed by this scheme.

General income account.

25. The annual and other rents, royalties, and monies to arise from or become payable in respect of any mines or minerals belonging to the Charity, shall be placed to a separate account to be kept in the books of the governors under the name of "The Mineral Fund Account," and shall be disposed of as herein-after provided; and the stock belonging to the said Charity, and all monies to be invested in increase thereof and all principal monies which shall from time to time belong to the Charity, shall be placed to a separate account, to be kept in the books of the governors under the name of "The Capital Account."

Mineral fund account.

and shall be disposed of as also herein-after provided. All surplus income received on account of the said hospital since the decease of the last master thereof, and which shall be in the hands of any agents of or held in trust for the Charity when this scheme shall come into operation, and which shall not be required for answering any liabilities thereof, shall be accounted and disposed of as belonging to the said capital account.

General income to be made up annually to 3,500*l.* out of mineral fund.

26. So long or so often as the net amount of the monies included in "The General Income Account" for any year shall be less than 3,500*l.*, and shall be found insufficient for the purposes of this scheme, the governors shall be at liberty from time to time to transfer or raise from "The Mineral Fund Account," or from the investments made on account thereof to or in increase of "The General Income Account" for that year, such a sum or sums of money as they shall require for the purposes of this scheme, and as will make up the net amount of the General Income Account for that year to any sum not exceeding 3,500*l.*, and the sums to be so transferred or raised shall be applicable as part of the income for such year accordingly; but a distinct account shall be kept of all sums to be transferred or raised from "The Mineral Fund Account" under this provision, and the governors shall replace and invest the same principal sums in the names of their Stock Committee, and in restitution or increase of "The Mineral Fund Account" out of any surplus income of the Charity which may be received in any subsequent year or years above the sum of 3,500*l.* whenever the circumstances thereof will in their judgment permit, except so far as the Charity Commissioners for England and Wales shall upon the application of the governors authorize them to omit the performance of this direction.

Investment of mineral fund.

27. Subject to the last foregoing provision, the accounts to be from time to time placed to "The Mineral Fund Account," and the produce of such timber as aforesaid, shall be invested by the governors in the public funds in the names of the Stock Committee for the time being, or of the Official Trustees of Charitable Funds, in increase of the capital of the Charity, and the dividends and income to arise from such investments shall be applicable as part of the general income of the Charity.

Application of income.

28. The general income of the Charity shall be applied by the governors from time to time as follows; that is to say,

1st. For expenses of repairs and management.

First, In providing for and defraying thereout the expense of repairing and keeping insured the hospital and other buildings belonging to the Charity, the salaries of the clerk and receiver, and the other current expenses of management, and of executing the trusts declared by this scheme;

2dly. In payment of chaplain's salary and the present brethren's stipends.

Secondly, In providing and paying the annual salary herein-after provided and made payable for the benefit of the chaplain of the hospital, and the annual and other payments due to or provided for the benefit of the present in-brethren and out-brethren of the hospital;

3dly. In payment of interest on any loans, and the instalments of principal.

Thirdly, In paying or providing for the interest of any principal monies to be borrowed under the authority and for the purposes of this scheme, and the annual instalments to be provided in discharge of the principal monies to be so borrowed;

4thly. In payment of augmentations and other sums.

Fourthly, In making or providing for the several payments and objects following, namely, the annual payments herein-after directed to be made in augmentation of the several benefices of Sockburn, Grindon, Ebechester, Bishopton, Kelloe, Wingate, and Thornley. The annual payments herein-after also directed to be made for the benefit of the several schools herein-after mentioned, and the annual payment herein-after directed to be made in aid or for the benefit of the Durham county hospital so long as such payment shall continue due, and the annual salary herein-after provided for the master of the said hospital when appointed; and any other salaries or stipends payable under this scheme.

5thly. In maintaining inmates and providing for out-pensioners.

Fifthly, In maintaining in the said hospital the inmates to be appointed as herein-after provided, and in paying and providing for the out-pensioners (if and when appointed as herein-after also provided), the weekly or other payments and benefits herein-after directed or authorized in that behalf.

Accumulation of surplus income.

29. Any surplus income of the Charity which from time to time may be in the hands or disposal of the governors, and which, either before the reception of any inmates of the hospital, according to this scheme or otherwise, may not be required for the immediate purposes of the Charity, may be invested or employed by them in aid and increase of the capital thereof, so nevertheless that the accumulation of the capital from this source, after payment of any principal debts or liabilities of the Charity, shall not exceed in the whole five thousand pounds, and that the income arising from such accumulation shall be applicable as the income of the Charity as hereby directed to be employed.

Ultimate application of surplus income.

30. If at any time there shall be a surplus income of the Charity, after providing for the several purposes directed by this scheme, the governors shall be at liberty to apply the same to such educational or other charitable purposes for the benefit of the inhabitants of Sherburn, or any place or places in its vicinity, as they shall think fit, and as shall be sanctioned by the Charity Commissioners for England and Wales.

Additions and alterations in hospital buildings.

31. The governors, with the sanction of the Board of Charity Commissioners for England and Wales, may make any alterations of or additions to the hospital buildings for

the purposes of this scheme, and may for that purpose pull down all or any part of the existing buildings, and erect any other suitable buildings for the reception and accommodation of the inmates, with a proper board or meeting room for the use of the governors, and with residences or apartments for the clerk and receiver, and for such medical or other officers, nurses, attendants, and servants, as may be required for the service of the hospital, and to provide necessary and proper fittings and conveniences; but accommodation shall not be provided for any number of inmates exceeding fifty in the first instance.

32. The governors shall be at liberty, with the approval of the said board, to apply to the making of such last-mentioned buildings, improvements, and works any capital funds belonging to the Charity, or to raise upon the security of the Charity estate (except the hospital buildings and premises), such monies as may be necessary for the foregoing purposes, or any of them; and in the event of any monies being so raised on mortgage the governors shall, out of the income of the Charity, set aside annually, towards the discharge of such mortgage, a sum of money equal to one thirtieth part at the least of the principal to be so raised, except so far as the board shall authorize them upon their application, and upon a consideration of the resources of the Charity for the time being, to omit or postpone a compliance with the last direction.

Money to be raised on security of Charity estate.

33. The governors shall be at liberty to commute the interests of all or any of the existing in-brethren and out-brethren of the hospital, in consideration of such periodical money payments, or upon such other suitable terms as may be considered proper in each case, and to remove from the hospital the in-brethren (if any) whose interests shall be so commuted.

Power to commute interests of existing brethren.

34. Subject to the last foregoing provision the existing in-brethren and out-brethren respectively shall, during their respective lives, continue to receive and enjoy the same emoluments and other benefits as they respectively have heretofore been entitled to receive and enjoy, and the governors shall continue to them also all such additional and discretionary allowances as were made to them by the late master of the said hospital, unless and until the governors shall find some special reason in the conduct of the several recipients or otherwise for discontinuing any such allowances, but no new appointment of any in-brethren or out-brethren shall be made.

Subject thereto brethren to continue to receive emoluments.

35. The governors shall appropriate and pay annually out of the general income of the Charity for the benefit of the respective incumbents for the time being of the following parishes or places in augmentation of their respective benefices the following annual sums; that is to say,

Annual payments in augmentation of benefices of Ebchester, Sockburn, Grindon, Bishopton, and Kelloe.

	£
To the Incumbent of Sockburn - - - -	100
To the Incumbent of Grindon - - - -	100
To the Incumbent or Chaplain of Ebchester - -	130
To the Incumbent of Bishopton - - - -	70
To the Incumbent of Kelloe - - - -	150
To the Incumbent of Wingate - - - -	50
And to the Incumbent of Thornley - - - -	50

Such annual sums respectively to be paid from time to time, by equal half-yearly payments in every year, to the said several incumbents, and the first of such half-yearly payments to be made in each case upon some day to be fixed and determined by the governors within the period of six calendar months next after the time when this scheme shall come into operation. But such annual payments to the respective incumbents of the parishes of Sockburn, Grindon, Bishopton, and Kelloe shall be determinable upon any augmentation of their respective benefices to be made by the said governors by the annexation thereto or settlement in trust for the respective incumbents thereof of rents-charge, to the same yearly amounts for which any impropriate tithes arising in the same parishes respectively and belonging to the said hospital have been commuted, which augmentations the said governors shall make, with the approbation of the said Charity Commissioners, so soon as upon the expiration of the existing leases of such rents-charge respectively or otherwise they shall be enabled so to do; and the annual payments hereby directed to be made to the incumbents of Ebchester, Wingate, and Thornley shall respectively be determinable upon any augmentation of their respective benefices to be made by the said governors by means of the annexation thereto or settlement in trust for the respective incumbents thereof of any tithe commutation rents-charge of the same respective annual amounts, or any real estate or stock in the public funds yielding respectively the same amount of yearly income, which last-mentioned augmentation the said governors shall be at liberty to make in each case, as and when they shall think expedient, with the approbation of the said Commissioners; and in like manner the last-mentioned annual payments, or any of them, may be partially determined by the substitution of any such last-mentioned augmentation or provision equal to any proportion of such annual payments or payment respectively. The rents-charge by which all or any of the before-mentioned benefices shall be augmented according to the foregoing provisions shall be taken for the purposes hereof to be of a yearly amount and value equal to their nominal

amount at the time of the commutation of the tithes in lieu whereof they are payable. The augmentation hereby provided of the benefice of Kelloe may be disposed or settled at the request of the incumbent thereof upon any special trusts for the spiritual benefit of his parish, as for the payments of stipends to his curates or otherwise, with the approbation of the said Commissioners.

At any time before the benefice of Sockburn shall be sold by the governors in exercise of the power herein-after contained, the governors shall be at liberty to pay out of the funds of the Charity any sum not exceeding five hundred pounds for or towards the erection or acquisition of a parsonage house for the incumbent of the same benefice.

Sale of advowsons.

36. The governors, with the sanction of the board of Charity Commissioners for England and Wales, shall be at liberty to sell the advowsons of the said four benefices of Sockburn, Grindon, Ebchester, and Bishopton, as augmented by or according to the foregoing provisions, at such time or times as they shall think fit; and the purchase money to arise from every such sale shall be held and applied by them as part of the capital of the Charity, and shall be invested or otherwise disposed of accordingly; but the patronage of the said benefices (until sold) shall be vested in and exercisable by the Bishop of Durham for the time being.

Payment and contributions in aid of local schools.

37. The governors may establish a school for the instruction of poor children resident in the townships of Sherburn House and Whitwell, and may erect and fit up suitable school buildings and premises, with or without residences for a master and mistress, for the purposes of such school, out of the funds and resources of the Charity, and they may grant or appropriate a suitable site for such school out of the Charity estate; and they may appropriate and pay annually out of the general income of the Charity, and subject to any such rules or conditions as they may think fit, any sum not exceeding eighty pounds for the support and benefit of the said school, and also any sum not exceeding in the whole two hundred pounds in any one year for the support and benefit of any schools for the instruction of poor children in Ebchester, Sockburn, Grindon, Bishopton, and Kelloe, or any of the said places, or any townships or districts therein respectively; such last-mentioned sums to be appropriated amongst the said several last-mentioned schools, and paid and applied for the benefit thereof respectively, in such manner and subject to such conditions and restrictions as the governors shall think fit.

Payment of 3,000*l.* in aid of Durham county hospital;

38. The governors may appropriate and pay out of the capital of the Charity the sum of three thousand pounds for the benefit of the institution called "The Durham County Hospital" at such time or times, and either in one sum or by instalments as they shall think expedient, and may make any proper stipulations or conditions in consideration of such payment for the reception and maintenance of any number of patients of the nomination of the master of Sherburn Hospital, or the governors thereof, in the Durham County Hospital, and for other purposes, and until the said sum of 3,000*l.* shall be so paid, the governors shall pay interest thereon, or on such proportion thereof as shall from time to time remain unpaid, at the rate of 3*l.* 6*s.* 8*d.* per centum per annum to the treasurer for the time being of the said institution, in aid of the purposes thereof, out of the general income of the Charity, subject to any like stipulations or conditions.

and of 100*l.* per annum until 3,000*l.* paid.

Master.

39. There shall be a master of the said hospital, to be called "The Master of Sherburn Hospital," who shall be a physician or surgeon duly qualified to practise in the United Kingdom, and to discharge the duties to be entrusted to him under this scheme, and who shall have been in practice as a physician or surgeon for not less than seven years, and shall not be more than fifty-five years of age at the time of his appointment.

Appointment and removal of master.

40. The right of appointing the master shall be vested in the Bishop of Durham for the time being, subject to the approbation of the governors. The master shall be removable under the provisions of "The Charitable Trusts Act, 1853;" and he shall be bound to retire at any time, when required so to do by a resolution of the governors on account of his age, infirmity, incapacity, or other sufficient cause, and the governors may assign to the master upon such retirement, for any term not exceeding his life, out of the general income of the Charity such an annual allowance by way of retiring pension as the board of Charity Commissioners for England and Wales shall sanction.

Master's residence.

41. The house and premises occupied by the former master of the hospital, and the whole or a suitable part of the grounds attached thereto, or such residence and premises as the governors shall think fit, shall from time to time be appropriated by them to the use of the master for the time being, and shall be occupied and enjoyed by him and his family rent-free; and the house and buildings shall be kept in substantial repair, and all rates and taxes payable in respect of the premises shall be paid by the governors out of the general income of the Charity.

Master to reside.

42. The master shall reside in his official house, and shall not underlet or part with the possession of the same or any part thereof, and he shall personally perform the duties assigned to the master by this scheme, and he shall at no time absent himself from residence without the express permission of the governors.

Master's salary.

43. The master shall receive an annual salary not exceeding five hundred pounds, to be paid to him out of the general income by equal half-yearly payments, provided that no

salary shall be paid to any master until fifteen inmates at the least shall have been appointed and admitted to the hospital under the provisions of this scheme.

44. The master shall at all times personally give medical attendance and advice to the inmates and other members of the hospital and establishment gratuitously, and shall have the general supervision and control of the inmates, the assistant medical officers, nurses, servants, and other officers of the establishment, subject to the superior authority and direction of the governors.

Duties of master.

45. The master, with the consent, and subject to the directions of the governors, shall be at liberty to receive and board in his house such a number of patients of the middle or upper classes as boarders, upon such terms, for his own benefit, as the governors shall from time to time authorize.

Boarders may be taken by master.

46. The master, subject to the authority and directions of the governors, shall have the immediate supervision and control of the supplies of medicines, surgical instruments, provisions, fuel, and other necessities and appliances, to be provided under this scheme for the use of the inmates and other persons in the hospital, and the distribution and employment thereof respectively.

Master to have control over supplies and requisites for inmates.

47. There shall be one chaplain of the hospital, to be called "The Chaplain of Sherburn Hospital," who shall be in priests' orders of the Established Church.

One chaplain.

48. The right of appointing the chaplain shall be vested in the Bishop of Durham for the time being, who shall also have the power of removing him for neglect of duty or other sufficient cause.

To be appointed by the Bishop of Durham.

49. The house and premises now occupied by the chaplain of the hospital, or some other convenient residence, to be erected or provided by the governors in or near the said hospital, shall be appropriated for the residence and use of the chaplain for the time being under this scheme, and shall be occupied by him and his family rent-free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity.

Chaplain's residence.

50. The chaplain shall reside in the house to be so appropriated to or provided for him, and shall not underlet or part with the possession of the same or any part thereof, and he shall not absent himself from residence without the permission or consent of the governors.

Chaplain to reside.

51. The chaplain shall perform divine service in the church or chapel attached to the hospital upon Sundays, and on such other days and at such times on Sundays and other days as may be directed by the governors, and he shall have and exercise the spiritual care and superintendence of the brethren, inmates, officers, and others, for the time being belonging to the hospital, and so far as he lawfully can or may he shall continue to extend that same spiritual care and superintendence as heretofore to the townships of Sherburn House and Whitwell and the inhabitants thereof respectively.

Duties of chaplain.

52. In case an ecclesiastical district, comprising Sherburn Hospital, shall hereafter be legally created, the chaplain, with the consent of the governors of the said Charity, may become the minister of such district without prejudice to the performance of his duties under this scheme.

Provision for annexation of ecclesiastical district to chaplaincy.

53. The governors shall pay to the chaplain out of the general income of the Charity, by equal half-yearly payments, to be computed as hereafter provided, an annual stipend of two hundred and fifty pounds; and in case an ecclesiastical district, comprising the Hospital of Sherburn, shall be legally created with the consent of the governors of the Charity, and the chaplain of the hospital shall be minister of such district, the amount of such annual stipend shall be increased to three hundred pounds.

Chaplain's salary.

54. The Reverend Edward Prest, the present chaplain of the hospital, shall be the first chaplain thereof under this scheme, and shall be entitled to the stipend hereby provided from the last payment of the stipend or salary due to him before the establishment of this scheme. The governors may also make to him any allowance not exceeding the rate of 100*l.* per annum for the time which shall have elapsed between the death of the late master of the hospital and the time at which this scheme shall come into operation, in addition to the stipend paid or payable to him for the same period in consideration of any extraordinary duties and responsibilities imposed on him since the vacancy of the mastership.

Present chaplain.

55. Until a master shall be appointed under the provisions of this scheme, the chaplain shall have the supervision and control of the in-brethren and out-brethren of the hospital, and the inmates thereof for the time being, subject to the superior authority and direction of the governors.

Until master appointed, chaplain to have supervision of brethren.

56. The church or chapel of the hospital shall be maintained and appropriated for religious worship according to the rights and ordinances of the Church of England for the officers, inmates, servants, and other persons attached to the hospital, and for the inhabitants of the townships of Sherburn House and Whitwell, as has been heretofore used, and subject to the control and regulation of the governors.

Chapel to be maintained as place of worship.

57. The same church or chapel shall be kept in complete repair externally and internally, and supplied with all proper fittings, furniture, books, and other requisites for the due

To be kept in repair.

performance of Divine service therein by the governors out of the income of the Charity; and the clerk, sexton, and other persons employed in such services, or for any duties connected therewith, or with the maintenance or care of the said church or chapel, shall be also paid by them out of such income. If any enlargement of the said church or chapel, or any alteration of the arrangements thereof, shall be required for the purposes of this scheme, the powers and provisions made hereby for the enlargement or alteration of the hospital buildings, shall extend and be applicable also to the required extension or alterations of the said church or chapel.

Inmates.

58. There shall be such a number of inmates in the hospital, qualified as herein-after mentioned, as shall be determined by the governors from time to time, having regard to the resources and income of the Charity, and the extent of accommodation afforded by the buildings. The appointment of inmates shall be suspended until sufficient buildings shall have been provided and appropriated for their accommodation by the governors, and until there shall be a sufficient amount of income available for their support, according to the provisions of this scheme.

Qualification of inmates.

59. The persons to be admitted as inmates shall be deserving persons, resident in the diocese of Durham, suffering from some disease or infirmity of a chronic character, whether curable or incurable, or disabled by bodily injury, and unable to maintain themselves by their own means or exertions, with a preference, so far as conveniently may be, of persons qualified as aforesaid, who, having been engaged in any trade, business, or occupation shall have fallen into decayed or indigent circumstances, and for members of the immediate families of such persons. No person, who shall be in the receipt of relief from any parochial or other rate for the relief of the poor, or who shall have received such relief at any time within the three next preceding years, or who shall be lunatic, or of unsound mind, or afflicted with any infectious or contagious disease, shall be eligible for admission as an inmate.

Inmates to be of either sex, and either married or single.

60. The inmates may be of either sex, and either married or single, and the number of inmates of each sex shall generally be equal, as nearly as conveniently may be; with power, nevertheless, for the governors to relax this rule, under special circumstances, as they may find expedient.

Applications for admission.

61. All applications for admission as inmates shall be made in writing to the master, in any form to be prescribed by the governors, and shall be entered by the master in a register to be kept by him for that purpose, specifying the date, and the name, age, residence, description, and qualifications of the applicant in each case; and the master shall inquire into the circumstances, character, and qualifications of every applicant for admission, and shall enter the result of every such inquiry in the register. The master shall also keep a register of all inmates admitted to the hospital; in which register shall be entered the date and terms of every admission, and particulars of the qualifications of each person admitted, and the date and mode of occurrence of every vacancy.

Appointment of inmates.

62. All appointments of inmates shall be made by the governors at some meeting of their body, and the persons to be so appointed shall be elected by the governors from the register of applicants, after consulting the master, who shall attend and report to the governors his opinion upon the merits of each case, (except in such special or urgent cases as may be considered by the governors to require the relaxation of this rule,) no appointment of any inmate shall be made until after the expiration of one calendar month at the least from the date of his or her application for admission. In making the appointments, preference shall in all cases be given, as far as possible, to the most deserving candidates, qualified as aforesaid, having regard to the age, personal character, and conduct of each candidate, as well as to their respective afflictions and circumstances.

Term of appointment of inmates.

63. Every inmate shall be appointed for some defined period, to be fixed by the governors, upon the report of the master, but to be renewable by them, if they shall think fit, as often as occasion may require; and every inmate shall be discharged from the hospital upon his or her being restored to health, or becoming otherwise disqualified to be a recipient of the Charity.

Removal of inmates.

64. The governors shall have the power of removing any inmate from the hospital upon the determination of his or her appointment or previously for disqualification, or, for immorality, insubordination, or other misconduct. The master may at any time, with the concurrence of one governor or more, suspend an inmate for misconduct from the receipt of any allowance or benefit from the charity until the case can be reported by him to the governors and decided upon by them.

Rooms for inmates.

65. A separate room in the hospital shall be assigned to each inmate for his or her exclusive use unless in any special cases the governors or the master, acting with their authority, may consider it expedient that two or more inmates should occupy one room. The rooms for the inmates shall be fitted up and furnished by the governors in the first instance out of the capital of the Charity, and such fittings and furniture shall afterwards be maintained and kept in repair out of the income thereof.

66. With the permission of the governors, and subject to any regulation established by them, and to the control and supervision of the master, the husbands or wives of any married inmates (where both the husband and wife shall be of the age of fifty years or upwards) may be with them wholly or partially in their respective rooms; but no husband or wife of any inmate shall be entitled to any other benefit from the Charity.

Residence of husbands and wives with inmates.

67. Every inmate shall be supplied, at the cost of the Charity, with suitable medicines, fuel, and firing, and with such provisions and other necessities (except clothing) as shall be proper for his or her maintenance in the hospital according to such dietary and other regulations as shall from time to time be established or approved by the governors. And the governors, in such special cases as they may think fit, and so far as the income of the Charity will permit, may provide clothing, or any particular articles of clothing, for any inmates, to be used by them only during their continuance in the hospital.

Maintenance of inmates.

68. Subject to the authority and control of the governors, all supplies for the inmates shall be procured and provided from time to time by or under the direction of the master, and the bills for the supplies so provided shall be submitted by the master to the clerk for examination, and shall be discharged weekly, or at such convenient intervals as may be directed by the governors, and the cost of all such supplies shall be paid from time to time, under the direction of the governors, out of the general income of the Charity, by their clerk, or by such other officer or person as they shall direct in this behalf.

Cost of supplies of provisions for inmates.

69. It shall be lawful for the governors, in case they shall consider it expedient, and the income and resources of the Charity and other circumstances shall permit, to appoint from time to time as out-pensioners any number of persons not exceeding twenty. The out-pensioners shall have the same qualifications, and, so far as applicable, shall be subject to the same provisions and regulations in all respects with regard to the application for admission or appointment, and to the mode of their appointment and removal, and the tenure of their situations, and otherwise, as are herein-before prescribed and contained with respect to the inmates of the hospital. The governors may provide in any special cases for the out-pensioners, or any of them, such medical and surgical attendance and medicines as they may think fit out of the general income of the Charity, and they may pay to each out-pensioner any weekly or other periodical sum not exceeding the rate of ten shillings per week, to be fixed by the governors in each case with due regard to the circumstances and necessities of the particular recipient, and to be subject to suspension, revision, or alteration by the governors, at their discretion, within the maximum limit aforesaid. Registers of all applications for appointment or admission as out-pensioners, and of the persons so appointed or admitted, shall also be kept by the master in the same manner as is herein-before directed with regard to the registers for the inmates.

Out-pensioners.

70. Whenever the income and resources of the Charity permit, and circumstances require the exercise of this power, the governors may appoint, either temporarily or permanently, one or more assistant medical officers, properly qualified, and so many nurses, attendants, and servants, as may be from time to time required for the purposes of the hospital, and may prescribe and fix the respective duties of all such officers and other persons, and their respective salaries and stipends, within the limits herein-after mentioned, and all such officers and other persons may be removed by them at their pleasure.

Assistant medical officers, nurses, and attendants.

71. The salary or stipend of any assistant medical officer to be appointed under the last provision shall not exceed the rate of 100*l.* per annum, and the salary of any attendant or servant shall not exceed the rate of 50*l.* per annum.

Salary and stipends of assistant medical officers and attendants.

72. The governors may, if they so think fit, assign or provide suitable residences or apartments in the hospital for any assistant medical officers or other persons to be appointed as aforesaid, rent free, in addition to their respective salaries or stipends, and such residences or apartments respectively shall be kept in repair by the governors out of the general income, and subject to the direction and control of the governors; every nurse, attendant, or servant shall also be provided with fuel, firing, and provisions at the expense of the Charity.

Residence and other benefits for attendants and servants.

73. The governors may from time to time appoint and attach to the establishment any number of honorary medical and other officers, and may prescribe the duties to be discharged by such last-mentioned officers respectively, provided that no such officer shall receive or be entitled to any payment or remuneration for his services, and every such officer may be removed by the governors at their pleasure.

Honorary medical and other officers.

74. Subject to the provisions of this scheme, the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the government and conduct of the hospital, and all the officers, inmates, out-pensioners, and persons in the employment thereof, and all such rules and regulations shall be observed by the persons affected thereby.

Governors may prescribe rules and regulations.

75. If any doubt or question shall arise amongst the governors, or any of them, as to the proper construction or application of any of the provisions of this scheme, or the manage-

Doubts or disputes to be referred to Charity Commissioners.

ment of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice, when given, shall be binding on the governors; and if any of the provisions hereof relating to the detailed management of the Charity, and not prescribing or defining the principal objects thereof, shall be found practically inconvenient, the same may be modified, or altered, or annulled by the governors, with the sanction of the Charity Commissioners.

Scheme to be printed.

76. This scheme shall be printed, and a copy given to every person who shall become a member of the governing body of the Charity, and to every master, chaplain, and clerk.

No. 2.

The CASE of the ENDOWED SCHOOL at MOULTON, in the County of Lincoln.

This school was founded in the year 1561, by the will of John Harrox, who thereby directed that one grammar school should be kept and erected in his dwelling house at Moulton, and gave certain lands and hereditaments to his devisees for the maintenance thereof. The school was subsequently established, and the schoolmaster incorporated and empowered to take and hold the lands and endowments of the school by letters patent of Queen Elizabeth, dated the 11th July 1561.

Certain orders and regulations for the management of the school and its possessions were made upon an inquisition by the Commissioners appointed by a commission under the Great Seal, on the 4th of October 1599. Those orders and regulations have continued in force up to the present time; and by the 3rd of such orders it was provided, that there should be always six overseers dwelling in the wapentake of Elloe, who, or the majority of them, should have power to appoint the schoolmaster, and to oversee the property of the charity and the schoolmaster, and the vicars of Whaplode, the parish of Fleet, and the then next vicar of Moulton and their successors for ever were appointed to be three of such overseers. The same order provides for the succession of the overseers upon the occurrence of vacancies by means of appointments to be made by the rest of the overseers, or the majority of them.

The property now belonging to this charity, in addition to the school house and master's residence, consists of certain lands and hereditaments situated in the parish of Moulton, or its immediate vicinity, producing a gross annual income of 521*l*. The whole of this property is freehold, except about fifty acres of land, which are copyhold of the manor of Spalding, and four acres which are copyhold of the manor of Moulton Fitzwalter.

The property is charged with four several mortgages, amounting in the aggregate to the sum of 685*l*. 12*s*. 9*d*.

The whole of the income of the charity, after paying the expenses of management and the salary of an usher, is received by the master, who has the letting and entire management of the property, subject to the general supervision of the overseers.

The six overseers consist, as directed by the orders of the 4th of October 1599, of the Vicar of Moulton, the Vicar of Whaplode, and the Rector of Fleet, for the time being, and three other persons resident in the wapentake of Elloe, the vacancies amongst the three un-official overseers being filled up by the continuing overseers, or a majority of them.

In consequence of certain representations and complaints respecting the condition of this charity, the Commissioners caused an inquiry to be made into the circumstances by one of their inspectors in the month of April 1854. The school appears to be attended at present by the sons of labourers, small farmers, and small tradespeople, from the parish of Moulton and the neighbourhood, between the ages of six and thirteen. At the time of the inspector's inquiry there were 120 boys upon the books; but the numbers actually attending the school usually consist in the winter time of about 40 boys, and in the summer time of about double that number.

The instruction appears to be such as is usually given at village schools of the better class. The school is free, with the exception of a payment of fourpence upon the admission of each boy, which payment however is frequently dispensed with by the master.

The Reverend Charles Moore, the present master of the school, was appointed by deed dated the 27th day of August 1827. He is now 67 years of age, and has been non-resident in consequence of his ill health since the 18th of August 1850, but he appears to have provided an efficient substitute to conduct the school with the assistance of the usher, during his absence. Mr. Moore has forwarded to the Commissioners his resignation of the mastership, to take effect from Old Lady Day (or the 6th of April) 1855, conditionally upon his having a retiring allowance of 100*l*. a year secured to him during his life out of the income of the charity, and under the circumstances the commissioners consider it to be an act of justice as well as expediency to accede to that arrangement.

The present mode of managing and administering the charity appears to be defective, and the amount of benefit hitherto derived from the school is not proportionate to the value of the endowment. The Commissioners are of opinion that the constitution of the charity should be altered, by doing away with the corporate character of the master, and his right to the legal ownership and management of the property, and vesting the estates and powers of management in a body of governors or trustees. They also think that two schools should be established, one as a classical and commercial school (which they are informed is much required in the locality), and the other being continued as at present as a school for the instruction of children of the poor inhabitants of Moulton and its vicinity; a power being also given to the governors to apply any future surplus funds to other educational purposes for the benefit of Moulton and its neighbourhood, whenever circumstances may permit.

In the opinion of the Commissioners, the new scheme, which is required for effecting the above modifications of the charity, cannot be carried into complete effect otherwise than by the authority of Parliament, and the scheme, which is set forth at length at the end of this statement, has accordingly been provisionally approved by them after giving due notice thereof in accordance with the provisions of their Act.

Some inhabitants of the parish of Moulton have made objections to the scheme as originally proposed by the Commissioners. These objections, so far as they appear to be material, and can be conveniently stated, are in substance as follows; namely,—

1. That the number of governors selected from the parish of Moulton is insufficient.
2. That the proposed retiring allowance to the master is objectionable.
3. That no capitation fee or payment should be imposed for instruction in the Lower School.
4. That the school house for the proposed Lower School should be transferred to another site.

The above objections have been considered and disposed of by the Commissioners as follows (referring to each objection in its numerical order):—

1. This objection has been overruled on the following grounds:—

The governors have been carefully selected by the Commissioners, after due inquiry, from amongst the most influential gentlemen in the parish and its immediate neighbourhood, having especial regard to the duties to be discharged. Three out of the twelve governors have been selected from the residents in Moulton, in addition to the Vicar of that parish, which thus supplies one third of the whole number of governors. It is to be observed, that the orders of 1599 merely require that the overseers shall be resident in the wapentake of Elloe, a district embracing several other parishes besides Moulton, and that the charity was not founded, nor is it now established, for the exclusive benefit of the latter parish.

2. This objection has also been overruled on the following grounds:—

The present master is 67 years of age, and has held his office for 27 years. There is no imputation against his character or personal conduct, and it appears from a series of entries in the minute books of the overseers, that up to the year 1849 he had discharged his duties to their satisfaction. He is now in ill health; it is for the interest of the charity to secure his voluntary retirement upon reasonable terms, and the proposed retiring allowance appears to the Commissioners to be a just and reasonable recompense for his past services.

3. This objection to the original scheme has been partially conceded, and the scheme as now framed makes it merely permissive for the governors to impose capitation fees within the limit fixed by the scheme, if they so think fit.

4. By the scheme the governors are empowered, with the sanction of the Charity Commissioners, to make all necessary alterations in the present school premises, and also to purchase or build new school houses upon more convenient sites, if found necessary or desirable.

The following is the scheme provisionally approved by the Commissioners for this school:—

SCHEME.

AS TO GENERAL MANAGEMENT.

1. The existing incorporation of the above-mentioned school by the name of "The Preceptor or Master of the Free School of John Harrox in Moulton," or by any other name, is hereby dissolved, and the charity and the estates and property thereof shall from and after the establishment of this scheme, be under the management and control of governors to be called "The Governors of the Moulton Endowed Schools." The full number of governors shall be twelve, of whom the Vicar of Moulton, the Vicar of Whaplode, the Rector of Fleet, and the Vicar of Weston respectively for the time being, shall by virtue of their respective offices always be four; and in the first instance the following persons shall be the other eight governors: that is to say,—John Tatam, of Moulton, aforesaid, Esquire; Robert King, of the same place, gentleman; Robert Everard, of Fulney House, Spalding, in the same county, Esquire (being the three present non-official trustees of the charity); and the Right Honourable Sir John Trollope, of Casewick House, near Stamford, in the same county, Baronet; John Richard Carter, of Spalding, in the same county, Esquire; Joseph Chamberlain Barker, of Holbeach, Esquire; Thomas Cammack, of Spalding, aforesaid, Esquire, M.D.; and Matthew Clark, of Goddard's Hall, Moulton, Esquire.

2. The death, resignation, bankruptcy, insolvency, or removal from residence, in the county of Lincoln, of any non-official governor, or his refusal or incapacity to act, or neglect for a period of two consecutive years to attend any meeting of the governors, shall respectively create a vacancy in the office of such governor; and as soon as conveniently may be after the occurrence of any such vacancy, the remaining governors for the time being shall appoint some fit and proper person resident within the said county of Lincoln to fill such vacancy so as to keep up the full number of eight non-official governors.

3. Every appointment of a governor shall be made at some general or special meeting of the governors for the time being, and shall be forthwith notified by the chairman of the

Corporation dissolved,
and charity estate
vested in governors.

Succession of go-
vernors.

Appointment of future
governors.

meeting or the clerk to the Charity Commissioners for England and Wales, and no such appointment shall be valid until approved by an order under the official seal of the said commissioners, and a minute or memorandum of every such appointment when so approved, and of the order of the said commissioners approving thereof, shall be entered in the minute book kept for recording the proceedings of the governors at the first meeting after the receipt of such order, and shall be signed by the chairman at such meeting, and such minute or memorandum shall be sufficient evidence of the appointment to which it relates.

The governors for the time being during any vacancy or vacancies in the governing body shall be competent to exercise all the authorities hereby vested in the governors.

4. All the real estate, of whatever tenure, now vested in the said corporation or belonging to or held in trust for the charity, and all rights and privileges belonging to or held in trust for the charity (subject to any subsisting leases thereof and charges thereon), and the full benefit of all subsisting covenants, conditions, and securities made or entered into with, or reserved to the said corporation, or any person or persons in trust for or for the benefit of the charity, and all the personal estate belonging to the charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof, shall be immediately, and shall from time to time vest and continue vested in "The Governors of Moulton Endowed School" for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, surrender, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said corporation before its dissolution, or to or with any preceding governors of the said charity, shall be exercisable in the name of "The Governors of Moulton Endowed School," as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding governors if still retaining their office; and in the same manner all contracts and liabilities of the said corporation before its dissolution, or of any preceding governors for the time being of the said charity, may be enforced against the governors thereof for the time being to the extent of the property or assets of the charity, but not against their private estates.

Charity estate vested in governors for the time being.

5. The copyhold lands and hereditaments belonging to or held in trust for the charity may be enfranchised by the governors, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors of which the same lands and hereditaments respectively shall be held shall be entitled to the same fines, rents, services, and other benefits (if any) in respect of such lands and hereditaments as they respectively would or might have been legally entitled to if this scheme had not been established.

Copyholds.

6. The school houses and masters' residences, with the buildings attached thereto respectively, and the other houses and buildings belonging to the charity (which shall not be kept repaired and insured by the tenants thereof under any covenant or agreement in that behalf), shall be kept repaired and insured by the governors out of the income of the charity.

Houses and buildings to be kept repaired and insured by governors.

7. The governors shall have the control and management of the charity property, and shall let the same (with the exception of the school houses and premises) at the best annual rents, provided that no lease of the charity property, or any part thereof, be granted in reversion or for a longer term than fourteen years without the sanction of the Charity Commissioners for England and Wales, and that every such lease shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on non-payment of rent or non-performance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease. No governor shall, either directly or indirectly, become a tenant or occupier of the charity estate, or any part thereof, for his own benefit or for the benefit of any other person.

Governors to let and manage the property.

8. Leases, and other deeds and instruments for the letting or disposition of the charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them according to any order of the governors, made at any meeting, and shall have the same effect as if executed by all the said governors; and the recital of any such order contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be *prima facie* evidence thereof.

Leases to be executed and actions brought by any five governors.

9. The governors shall appoint some four of their number to be the persons into whose names any sums of stock to be purchased from time to time in trust for the charity shall be transferred, and who shall be called the "Stock Committee;" and as often as the number of the Stock Committee shall be reduced by vacancies to two, two other governors shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such Stock Committee.

Stock committee.

10. The governors shall appoint a clerk and a receiver, who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. A master or assistant master of the lower school may be appointed

Clerk and receiver.

as clerk, but not as receiver. The governors may pay or allow to the clerk and receiver respectively, out of the income of the Charity, such reasonable salary or remuneration as they may from time to time appoint. Any one of the governors may be appointed to execute the offices of clerk and receiver, or either of them, gratuitously. The receiver shall, unless he be one of the governors, give such security, before entering upon his office, as the governors shall direct.

Duties of clerk.

11. The duties of the clerk shall be to attend the governors at their meetings, to attend and give information to any committees appointed by the governors, to enter the minutes of the proceedings at meetings of the governors, to keep the accounts of the charity, and to prepare and send such statements thereof as the governors are bound to furnish under "The Charitable Trusts Act, 1853," or otherwise; to preserve, subject to the directions of the governors, all vouchers for payments on behalf of the charity, to make out annually a detailed account and statement of the receipts and payments in respect of the charity, and of its assets and liabilities (if any), which shall be vouched and passed before the governors at their first general meeting after Christmas Day; and to perform all such duties in respect of the charity and to the management thereof as the governors shall direct.

Duties of receiver.

12. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the charity property and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors annually a report showing the state and condition of the charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the charity and its property, and the management thereof, as the governors shall direct.

Notice of meetings.

13. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each governor at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.

General meetings.

14. The governors shall hold not less than four general meetings in each year for transacting the business of the charity. And such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the governors shall have power from time to time to appoint some other day within thirty days next after any of the respective quarter days aforesaid for holding the then next quarterly meeting. The meetings shall be held in the school house, or in some other convenient place in the parish of Moulton, to be determined from time to time by the Governors.

Special meetings.

15. If circumstances require it, any two or more of the governors for the time being may send a requisition to the clerk calling a special meeting; and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the governors of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified or sufficiently indicated in the notice.

Quorum of meetings.

16. Five governors shall form a quorum at any meeting, and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, they shall proceed to elect a chairman from amongst the governors then present, and in the event of an equality of votes on the election of chairman, the choice between the two persons proposed shall be determined by lot. The act and proceedings of a majority of governors present at any meeting properly held shall be binding on the whole body, but such acts and proceedings, or any of them, may be revoked or altered from time to time, wholly or partially, by the governors, or the majority of them, at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Adjournment of meetings.

17. If after the space of one hour from the time appointed for holding any meeting a sufficient number of governors shall not be in attendance to form a quorum, the governors, or any one or more of them present, or the clerk, if no governor be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting.

Appointment of a committee.

18. The governors may at any meeting appoint three or more of their body as a committee for the purpose of making any inquiry, or superintending or performing any specific act or duty which in the judgment of the governors may be more conveniently referred to such committee; but the acts and proceedings of such committee shall be reported to the governors from time to time at the then next general meeting.

Application of income.

19. The governors shall apply the clear yearly income of the charity (which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the houses and buildings belonging to the charity, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of executing the trust in pursuance of this scheme) in manner following, viz.:—

1st. For interest on existing mortgage debt.

Firstly, In providing for the interest payable in respect of the principal mortgage debt with which the charity property now stands charged.

2d. For interest on money to be raised for purposes of scheme.

Secondly, In providing for the interest or annuity, and the instalments of principal in respect of the sum or sums (if any) to be raised for providing, building, altering, and fitting up the school buildings and premises as herein-after mentioned.

3d. For retiring pension to late master.

Thirdly, In paying to the Reverend Charles Moore, the late master of the school, who has consented to retire upon the annuity herein-after mentioned being secured to

him an annuity of one hundred pounds during his natural life, by half-yearly payments, on the 6th day of April and the eleventh day of October in each year, the first of such half-yearly payments to be made on the eleventh day of October, one thousand eight hundred and fifty-six.

Fourthly, In paying to the master of the upper school the annual stipend herein-after mentioned.

4th. For salary of master of upper school.

Fifthly, In paying to the master of the lower school the annual stipend herein-after also mentioned.

5th. For salary of master of lower school.

Sixthly, In paying the respective stipends of the assistant masters and teachers (if any) to be appointed for the upper and lower schools respectively under the provisions of this scheme.

6th. For stipends of assistant masters and teachers of both schools.

Seventhly, In paying the expense of the annual examinations at the said schools respectively, and of the prizes (if any) to be awarded thereat.

7th. For expense of examination and prizes.

Eighthly, Any surplus income of the charity which shall remain after providing for the several payments aforesaid shall be invested periodically by the governors in the three pounds per cent. consolidated annuities, and the dividends thereon shall be invested from time to time in like manner, so as to form an "accumulation fund" of the amount and for the purposes herein-after mentioned; and, subject to the formation and continuance of such accumulation fund, such surplus income shall be applied by the governors in increasing the salaries of the masters or assistant masters of the schools respectively, or otherwise for the benefit of the said schools, or either of them, or to such other educational purposes for the benefit of the parish of Moulton and its vicinity as the governors shall, with the sanction of the Charity Commissioners for England and Wales, think fit. All proper expenses which shall have been incurred by the said late master or the present overseers or trustees in continuing the management of the charity or the conduct of the school up to the time when this scheme comes into actual operation, shall be defrayed and paid by the governors out of the income of the Charity.

8th. Surplus income.

20. The full amount of the "Accumulation Fund" to be raised and formed under the foregoing provision shall be one thousand pounds three pounds per cent. consolidated annuities, and no more. And such "Accumulation Fund" shall be applied by the governors, when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, in or towards the discharge (subject to the provision herein-after contained) of the said principal mortgage debt now charged on the charity estate, or of any principal debt to be hereafter borrowed by the governors on the security of the same estate under the provisions of this scheme; or, with the sanction of the Board of Charity Commissioners, in defraying the expense of any extraordinary repairs or additions to the buildings or other improvements of the charity estate, or any part thereof. But the amount (if any) to be taken from time to time from the "Accumulation Fund" for any of the above purposes shall be replaced out of the annual surplus income of the charity, so as to keep up the same fund as far as possible to the aforesaid full amount of one thousand pounds. Subject to the foregoing provisions, whenever the "Accumulation Fund" shall be at the said full amount of one thousand pounds the dividends and annual income thereof shall be applied by the governors in or towards the expense of the ordinary repairs of the charity estate, and subject thereto shall be applicable as part of the surplus income of the charity.

Accumulation Fund.

No payment shall be made by the governors out of the "Accumulation Fund" in or towards the discharge of the aforesaid subsisting mortgage debt during the continuance of the annuity of one hundred pounds payable to the said Reverend Charles Moore during his life under this scheme, unless such payment shall be required by the mortgagees.

21. The governors, with the sanction of the Charity Commissioners for England and Wales, may make all requisite or proper alterations in, or additions to, the master's house and other buildings, and may provide other houses or buildings, (if requisite for the purposes of the schools, or either of them,) and may fit up the same respectively with the necessary fittings and apparatus for carrying on such schools, and may appropriate and lay out a suitable piece or pieces of the charity land as a play ground or play grounds for the use of the boys at such schools respectively; and the governors shall be at liberty, under the direction of the said commissioners, to raise on mortgage, or by way of annuity, upon the security of the whole or any part of the charity estate (except the school house and school buildings and premises), such sum or sums of money as may be necessary or proper for the foregoing purposes, or any of them; and in the event of any sum being so raised on mortgage, the governors shall, out of the income of the charity, set aside annually, and vest in aid of the accumulation fund aforesaid, a sum of money equal to one thirtieth part at the least of the principal to be so raised.

Additions and alterations in school buildings.

Power to raise money

22. The governors shall cause a proper minute book to be provided and kept, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings at the meetings, the reports of committees, and all other transactions of the governors relating to the charity. The minutes of the proceedings at each meeting shall be signed by the chairman thereof.

Minutes of meetings.

- Accounts;** 23. The governors shall also cause proper account books to be provided and kept, wherein shall be regularly entered an account of the receipts and payments on behalf of the charity, and such other particulars as the governors shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the governors after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and at least two of the other governors present at such meeting.
- Cheques, &c.** 24. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the governors, and by one at least of the other governors present at such meeting, and shall be countersigned by the clerk or by the governor (if any) filling that office.
- Banker.** 25. The governors may appoint a banker for the purposes of the trust, and may change such banker whenever they shall think fit.
- Custody of documents.** 26. The governors shall cause to be provided and kept, in some suitable place, a box or safe, with a secure lock, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, with a list thereof; and the contents of such box shall be examined by the governors at some meeting at least once in each year, and such box shall be kept locked.
- Scheme to be printed.** 27. This scheme shall be printed, and a copy given to every person who shall become a governor of the charity, and to every master and assistant master of the respective schools.
- Alteration of scheme.** 28. Upon application made by the governors to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme respecting the management of the charity, or the schools hereafter established, or either of them which shall be found inconvenient or objectionable, may be modified or altered by an order of the said Board, provided that no alteration be made which shall be inconsistent with the main objects, and provisions of this scheme.
- Copies of scheme may be taken.** 29. A copy of this scheme shall be kept with the books of account and other documents belonging to the charity, and all persons interested in the charity shall be at liberty to take copies of the scheme, or any part thereof (upon making an application for that purpose to the governors), at such times, and subject to such reasonable conditions as may be prescribed by the governors.
- Doubts or disputes to be decided by Charity Commissioners.** 30. If any doubt or question shall arise amongst the governors, or any of them, as to the construction or proper application of any of the provisions of this scheme, or the management of the charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the governors.
- Interpretation.** 31. In this scheme the following expressions, whenever used, shall respectively have the following meaning and effect; that is to say,—the expression “The Charity” shall mean the Moulton endowed schools established and regulated by this scheme.
The expression “The Governors” shall mean the governors of the Moulton endowed schools appointed and to be hereafter appointed as provided by this scheme.
The expression “The Schools” shall mean the Moulton endowed schools as established by this scheme.

AS TO THE UPPER SCHOOL.

- School house.** 32. The upper school shall be carried on in the house and buildings hitherto used or appropriated as the residence for the master of the school, subject and according to the provisions of this scheme; and the said house and buildings may if necessary be altered, added to, adapted, and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.
- Appointment and qualification of master.** 33. The first master shall be elected and appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme; and in case of any vacancy in the mastership by the death, resignation, or removal of such master, or of any future master, the governors shall elect and appoint a new master at some meeting, to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. The master shall be a member of the Church of England, and a graduate of one of the universities of Oxford, Cambridge, Durham, or Dublin; and for the purpose of obtaining an efficient master the trustees shall, previously to such election advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient.
- Stipend to master.** 34. The master shall be paid out of the income of the charity a fixed annual stipend of one hundred and fifty pounds, by half-yearly payments; and any master who shall die, resign, or be removed under the provisions of this scheme, shall be entitled to a due proportion of his stipend, and of the portion of capitation fees payable to the master under the provisions of this scheme, from the previous half yearly day of payment thereof up to the day of his death, resignation, or removal.
- Master to reside.** 35. The master shall reside in and occupy the dwelling house and premises attached to the school, and not elsewhere; and he shall have the occupation and use of such house

and premises in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises, at such time and to such person or persons as the governors may direct.

36. The master shall not underlet, or permit any person except himself and family, and the boarders to be taken by him under this scheme, to occupy the dwelling house and premises appropriated to him as a residence, or any part thereof. Master not to underlet residence.

37. The master shall give his personal attention to the duties of the school, and shall devote his time exclusively thereto; and during his tenure of office he shall not accept or hold any benefice having the cure of souls, or any office or appointment which, in the opinion of the governors, may interfere with the proper performance of his school duties. Master not to have other employment.

38. Neither the master, nor any assistant master, shall receive or demand from any boy in the school, or from any person, whomsoever on behalf of any such boy, any gratuity, fee, or payment, other than as is prescribed or authorized by this scheme. Master not to receive other than authorized fees.

39. The master shall be at liberty to receive in his official residence such a number of boys as boarders, as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments and other terms upon which boarders may be received by the master shall be authorized by the governors in the first instance, and shall be subject to revision by them, if and when they shall think fit. Boarders.

40. The master shall be liable to be removed from his office by the governors for any sufficient cause; and for the purpose of such removal a special meeting of the governors shall be called by notice upon a requisition to the clerk, signed by three at least of the governors; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the governors present, it shall be entered on the minutes, and signed by such of the governors as vote for the same; and the same resolution shall, after the interval of at least one calendar month, be submitted to another similar meeting duly called by notice, and if the same be confirmed by two thirds of the governors present at such last-mentioned meeting, such confirmation shall also be entered on the minutes, and a copy of such resolution and confirmation shall, within one week after the holding of such last-mentioned meeting, be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day. Removal of master.

41. Every master, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the governors in the following form:— Declaration to be signed by master.

“I, _____, declare that I will always, to the best of my ability, discharge the duties of master of the Upper School at Moulton, during my tenure of the office, according to the provisions of the scheme for the regulation thereof, and that in case I shall be removed from the mastership by the governors, according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence to the governors.”

42. When in the judgment of the governors the assistance of an additional master shall be required, and the funds of the Charity shall be sufficient for the purpose, the governors may appoint some proper qualified person as assistant master of the school, and may also from time to time appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school; and for the purpose of obtaining an efficient assistant master, the governors shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates, as they may deem expedient. Appointment of assistant master.

43. The assistant master shall hold office during the pleasure of the governors, who may remove him from his office, by a resolution passed for that purpose, at any meeting, either with or without assigning a cause for such removal. Removal of assistant master.

44. The assistant master shall be paid out of the income of the Charity such an annual stipend as the governors may think fit, not exceeding the annual sum of 80*l*. Any assistant master who shall be removed by the governors for cause assigned, shall be entitled to a proportionate part of his stipend, and of the fees payable to the assistant master under this scheme, up to the day of his removal; but any assistant master who shall be removed without cause assigned, shall be entitled to a quarter's notice, and to receive his stipend and proportion of fees up to the expiration of such notice, or shall, in lieu of notice, at the option of the governors, be paid a sum equivalent to a quarter's stipend and a quarter's proportion of fees. Stipend of assistant master.

Additional teachers.

45. Whenever circumstances require it, and the income of the Charity shall be sufficient for the purpose the Governors may appoint an additional teacher or teachers for the purposes of the school, and may pay to every such teacher such salary or stipend not exceeding the annual sum of eighty pounds, as they shall see fit. Every such teacher shall hold office during the pleasure of the governors, and may be displaced by them at any time with or without notice as they shall see fit.

Instruction.

46. The instruction to be afforded in the school shall comprise the principles of the Christian religion, the Greek, Latin, French, and German languages and literature, elementary instruction in the sciences applicable to the practical arts, land surveying, drawing, and designing, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography, and writing, and such other subjects of instruction as the governors may from time to time authorize or direct, with a view to providing a sound religious, moral, and useful education. But it shall be in the discretion of the governors to defer any portion of the instruction herein-before specified which the funds for the school for the time being shall be insufficient to provide.

The school may be divided into such departments or sections for the purposes of the instruction to be given thereat as the Governors may from time to time direct.

Religious instruction.

47. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys, and instruction in the liturgy and catechism of the Church of England shall also be given by the master in like manner to all the boys, except those whose parents, or persons standing in loco parentis (being respectively persons not in communion with that Church) shall state in writing to the governor or the master that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

48. Suitable prayers taken from the liturgy of the Church of England shall be read by the master every morning and evening in the school.

Attendance at church.

49. The boys, accompanied by the master, shall attend divine service at the parish church of Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis (being respectively persons not in communion with the Church of England) shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds, and in such cases the master shall take care as far as possible that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

50. All boys residing in the wapentake of Elloe, of the age of eight years and upwards, being of good character, and able to read and write (unless unfitted by infectious disorder or other sufficient cause) shall, to the extent and capacity of the school, be qualified for admission thereto and entitled to partake of all the benefits and advantages thereof, on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys and their continuance in the school shall be regulated from time to time by the governors, who may at any time order the admission into the school of boys residing elsewhere than in the wapentake of Elloe, if the accommodation at the school be sufficient for that purpose.

Election of boys.

51. The governors shall have the power of placing boys in the school, subject to any regulations which they may make from time to time at any meeting.

Register of boys.

52. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same, and such register shall always be open to the inspection of the governors, and of the persons authorized by them.

Suspension and expulsion of boys.

53. The governor shall have the power of dismissing and expelling any boy from the school for any breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors, and decided upon by them.

Capitation fees.

54. The boys attending the school shall pay capitation fees, as follows, viz.:—Every boy under twelve years of age such sum not exceeding one pound per quarter, and every boy being twelve years of age and upwards, such sum not exceeding one pound five shillings per quarter, as the governors shall from time to time direct.

Such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the governors, in order that the same may be applied by them as directed by this scheme.

Foundation scholars.

55. The governors may, if they see fit, appoint boys from the lower school to be foundation scholars in the upper school, and may remit the payment of capitation fees in favour of such foundation scholars, either wholly or in part, provided that there shall not be more than six foundation scholars in the school at one time, and that no more than two such

foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions as the governors may from time to time prescribe, and such scholars (or any of them) may be appointed by the governors from time to time, upon the occasion of the annual examination of the lower school, as herein-after mentioned.

56. The capitation fees received from the boys shall be applied by the governors first in providing the prizes and paying the examiner for the purposes of the examination directed by this scheme, and the clear residue of such fees shall be divided half yearly into three parts, and two of such third parts shall be paid to the master in augmentation of his stipend, and the remaining one third part shall be paid to the assistant master (if any) in like manner, and if there be no assistant master, such one third part shall be carried to the general account of the Charity. Such payments to the master and assistant master (if any) shall be made half yearly, on such days as the governors may from time to time direct.

Application of
capitation fees.

57. All printed books and stationery necessary for the use of the scholars shall be provided at the expense of the parents, relations, or friends of the scholars.

Stationery for scholars.

The master shall provide all requisite fuel, firing, and lights for the use of the school, and the governors, if they think fit, may allow and pay to the master out of the income of the Charity such an annual sum not exceeding twenty pounds, as they may consider sufficient for those purposes.

Firing and lights.

58. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school.

Internal regulation of
school.

59. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors, and the governors shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any sum not exceeding three pounds three shillings, for his trouble and expenses, and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the master of the school, and such other persons as the governors may from time to time invite to attend the same.

Annual examination.

60. The governors may yearly, upon the occasion of such examination, distribute such prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of five pounds.

Prizes.

AS TO THE LOWER SCHOOL.

61. The lower school shall be carried on in the school house and premises hitherto used as the grammar school, subject and according to the provisions of this scheme. Such school-house and premises may be adapted and fitted up by the governors for the purposes of the school, in accordance with the provisions herein-before contained for that purpose.

School house.

62. The master of the lower school shall be appointed by the governors at a meeting to be held for that purpose as soon as conveniently may be after the establishment of this scheme, and every vacancy in such mastership shall be filled up by the governors from time to time by a fresh appointment to be made at a meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the lower school. And for the purpose of obtaining an efficient master, the governors shall, previously to making any appointment, advertise in such newspapers, and receive such testimonials of candidates as they may deem expedient.

Appointment of
master.

63. The master of the lower school shall be paid out of the income of the Charity in half yearly payments, such an annual stipend not exceeding the sum of seventy pounds, as shall be fixed from time to time by the governors.

Stipend to master.

If the master shall be removed by the governors for cause assigned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation fees payable to the master under this scheme up to the day of his removal; but if he shall be removed without cause assigned, he shall be entitled to have a quarter's notice of such removal, and to receive his stipend and proportion of capitation fees up to the expiration of such notice, or in lieu of such notice, he shall, at the option of the governors, be paid a sum equivalent to a quarter's stipend, and a quarter's portion of fees.

64. The master shall not at any time during the tenure of his office, hold or exercise any other office, appointment or employment whatsoever, except as permitted by this scheme.

Master not to have
other employment.

Master's residence.

65. The governors, if they so think fit, may provide a suitable house and premises in the parish of Moulton for the residence of the master of the lower school (either by renting or by purchasing, or building the same) out of the funds and resources of the Charity, provided that no such house or premises shall be so purchased or built by the governors without the sanction of the Board of Charity Commissioners for England and Wales.

Master to reside.

66. The master shall reside in the parish of Moulton, and in case any residence shall be provided for him by the governors in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant, and he shall not underlet or part with the possession of the same residence and premises, or any part thereof, and in case of his removal, he shall deliver up possession thereof to the governors, or as they shall direct.

Removal of master.

67. The master shall hold office during the pleasure of the governors, who may from time to time remove him from his office as they shall see occasion, at a meeting to be duly convened for that purpose, either with or without assigning cause for such removal.

Declaration to be signed by master.

68. Every master previously to entering into office, shall be required to sign a declaration to be entered in the minute book of the governors in the following form:—

"I, _____, declare that I will always, to the best of my ability, discharge the duties of master of the lower school at Moulton during my tenure of the office according to the provisions of the scheme for the regulation thereof; and that, in case I shall be removed by the governors, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence (if any) to the governors."

Assistant master or teachers.

69. If circumstances require it, and the funds and resources of the Charity shall be sufficient, the governors may from time to time appoint an assistant master, and any additional teacher or teachers, for the purposes of the school, at such respective salaries not exceeding the annual sum of fifty pounds for each such salary as the governors may think proper, and such assistant master, and teachers respectively, may be at any time removed by the governors with or without notice or cause assigned.

Masters not to receive other than authorized fees.

70. Neither the master nor any assistant master or teacher shall at any time receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment other than as is prescribed or authorized by this scheme.

Instruction.

71. The instruction to be afforded in the lower school shall be in the principles of the Christian religion, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping; and elementary instruction shall be given in the sciences applicable to trades and useful pursuits, and in such other subjects as the Governors may from time to time authorize or direct, with the view of providing a sound, moral, religious, and useful education adapted for the working, labouring, and other poorer classes. But the Governors may defer any portion of the instruction herein-before specified which the funds of the school may be not sufficient to provide; and for the purposes of convenient instruction they may divide the school into such departments or sections as they may think fit.

Religious instruction.

72. Religious instruction shall be given by the master at such times as he shall think best by reading and explaining the Holy Scriptures to all the boys; and instruction in the catechism of the Church of England shall also be given by the master in like manner to all the boys except those whose parents, or persons standing in loco parentis (being respectively persons not in communion with that Church), shall state in writing to the master or the governors that they object to such last mentioned instruction upon conscientious grounds.

Prayers in school.

73. Suitable prayers, taken from the Liturgy of the Church of England, shall be read by the master every morning and evening in the school.

Attendance at church.

74. The boys, accompanied by the master, shall attend divine service in the parish church at Moulton regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis, (being respectively persons not in communion with the Church of England), shall state in writing to the governors or the master that they object to such attendance upon conscientious grounds; and in such case the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

75. All boys residing in the parish of Moulton of the age of six years and upwards, and being of good character (unless unfitted by infectious disorder or other sufficient cause), shall, to the extent and capacity of the school, be capable of admission to the lower school, and entitled to partake of all the benefits and advantages thereof on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of seventeen years; and the admission and number of the boys, and their continuance in the school, shall be regulated from time to

time by the governors, who, if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from any of the neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Moulton.

76. The governors shall have the power of placing the boys in the school, subject to such regulations as they may from time to time prescribe at any meeting. Election of boys.

77. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the respective periods of their being admitted to, and leaving the same; and such register shall always be open to the inspection of the governors, and of the persons authorized by them. Registry of boys.

78. The boys at the school shall be liable to dismissal or expulsion by the governors for any breach of the rules, or for theft, immorality, indecent conduct, or insubordination, or other sufficient cause; and the master shall have power immediately to suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them. Suspension and expulsion of boys.

79. The governors shall be at liberty to direct that the boys attending the school shall pay capitation fees as follows, viz.:—Every boy under twelve years of age, such sum not exceeding four shillings per quarter, and every boy, being twelve years of age and upwards, such sums not exceeding six shillings per quarter, as the governors may from time to time authorize or direct, and all capitation fees (if any) to become payable under this provision shall be paid by each boy, or his parents or friends in advance, quarterly to the master, who shall account for the same to the governors; but the governors may, in particular cases, if they see fit, direct that such capitation fee may be paid weekly or monthly; and they may, on the ground of poverty, or other sufficient reason, excuse in special cases the payment of such capitation fees, either wholly or in part. Capitation fees.

80. The capitation fees (if any) to be received from the boys shall be paid and applied by the governors, as follows, viz.: Two third parts thereof shall be paid half yearly to the master of the school, in augmentation of his stipend, and the remaining one third part shall be applied towards increasing the remuneration of the assistant master or teachers of the school respectively (if any) or in providing prizes for the boys as herein-after mentioned, or for the general purposes of the Charity, as the governors in their discretion shall think fit. Application of capitation fees.

81. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by and at the expense of their respective parents, relations, or friends; but the trustees shall be at liberty to dispense with this provision in cases of necessity arising from poverty or other sufficient cause. Stationery for scholars.

82. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the school house shall be provided by the governors out of the income of the Charity. Firing, lights, and attendance.

83. Subject to the directions herein contained, and to such general regulations as the governors may from time to time prescribe, the discipline of the school, and the internal regulations and management thereof, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the master of the school. Internal regulation of school.

84. There shall be an annual examination of the boys at the school at such time as shall be appointed by the governors; and the governors shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding one guinea for his trouble and expenses; and such examination shall take place in the presence of the governors, or such of them as can conveniently attend, and of the masters of the upper and lower schools, and such other persons as the governors may from time to time invite to attend the same. With the approbation of the governors, either the master or assistant master of the upper school may act as the examiner at any such annual examination; but in that case no payment shall be made to such master or assistant master respectively for their respective services. Annual examination.

85. The governors may yearly, upon the occasion of such last mentioned examination, distribute such and so many prizes as they may think fit among the meritorious scholars who shall distinguish themselves for learning or good conduct, and who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided, that no such single prize shall exceed in value the sum of 10s., and that the whole amount to be expended in such prizes in any one year shall not exceed the sum of two pounds. Subject to the provision hereinafter contained respecting the foundation scholars to be appointed in the upper schools, the appointment to such foundation scholarships may be made the subject of competition at the said annual examinations at the lower school; and such appointments may be given by the governors from time to time to the boys who upon the occasion of such examination shall appear to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct. Prizes.

No. 3.

THE CASE of the SPALDING CHARITIES, comprising the Grammar School, the Petit School, Willsby's, or the Churchyard Almshouses, Bunk's or Burch's Charity, and the several Charities administered by the Town Husbands.

AS TO THE GRAMMAR SCHOOL.

This school was established by Letters Patent of King Charles II., dated the 3d day of May, in the twenty-fifth year of his reign, by which it was directed there should be a grammar school in the town of Spalding, to be called the Free Grammar School of King Charles II., in the town of Spalding, in the county of Lincoln, of the foundation of John Gamlyn and John Blanke, for the instruction of boys and youths in grammar; and that the school should continue under one schoolmaster and one under master, and the management of the school and its endowments, and the right of appointing and removing the masters, and of making statutes and ordinances, were vested in four governors, who were incorporated under the name of "The Governors of the Possessions, Revenues, and Goods of the Free Grammar School of King Charles II., in the Town of Spalding, in the County of Lincoln," and were empowered to hold the lands and possessions constituting the endowment. The school was afterwards further endowed by the will of William Atkinson, dated 19th October 1719, and its property was also subsequently increased by allotments awarded to the governors under certain Inclosure Acts.

The property now belonging to the school (in addition to the school-room, which is a building attached to the south side of the parish church of Spalding), consists of about 84 acres of land, partly of freehold and partly of copyhold tenure, with houses and cottages situated in Spalding and the adjacent parishes, and now vested in the governors, yielding altogether a gross annual income of somewhat more than 200*l*.

There is no schoolmaster's residence belonging to the Charity; but the house occupied by the master, and known as the master's lodge, forms part of the trust property belonging to Gamlyn's Charity herein-after mentioned, and is rented of the Town Husbands as the trustees of that Charity at an annual rent of 30*l*.

The school has subsisted since its foundation as a grammar school for the instruction of boys at Spalding; and at the time of our inspector's inquiry was attended by 18 boys. The average number of boys at the school is stated to be about 15. Some of the boys learn Greek, and all who are old enough are taught Latin, together with mathematics, history, geography, reading, writing, and the elements of French.

There are no free scholars, and a capitation fee of one guinea per quarter is usually charged for each boy, although this payment is sometimes reduced by the master, and as low a fee as 2*s*. 6*d*. per quarter has been occasionally charged.

In the year 1790 the governors, under the authority vested in them by the Letters Patent of King Charles, made certain statutes or rules for the management of the school, which are for the most part still in force, and which, so far as it is material to refer to them, are as follows, viz. :—

"That all the inhabitants of the town of Spalding shall have liberty to send their sons to the school free of expense, to be therein educated and instructed in grammar learning when they are 8 years of age, and able to read a chapter in the bible, and write a tolerably good hand.

"That the school hours be from 9 to 12 in the morning, and from 2 to 5 in the afternoon. That the master or his usher (if he has one), or both, shall regularly attend during these hours.

"That the scholars shall regularly attend divine service in the parish church of Spalding.

"That the master do not on any pretence turn away a free scholar from the said school without the consent of the governors."

The reverend Edward Moore, the present master of the school, was appointed by the governors by deed dated 30th June 1835. There is no under master appointed by the governors under the foundation, but the master, who is also possessed of clerical preferment in the neighbourhood of Spalding, has employed an assistant master to aid him in the discharge of the duties of the school. The Reverend Michael Sisson, the present assistant master, was appointed by Mr. Moore in the year 1835 at a salary of 55*l*. a year.

We have been informed by Mr. Moore, in answer to the inquiries which we thought it necessary to make, that it is his intention in future to give his personal services day by day as master of the school, and also to avail himself of the assistance of Mr. Sisson as under master.

With the consent of the governors, the master has had the entire management of the property belonging to the Charity; and after paying all the outgoings and expenses, including the assistant master's salary, he retains the balance for his own use.

The Rev. William Moore, D.D., John Richard Carter, and Maurice Johnson, Esquires, and Thomas Cammack, M.D., are the present governors of the school.

AS TO THE PETIT SCHOOL.

Thomas Willsby, by will dated 16 July 1682, devised certain land in Tid Moulton and Spalding to Walter Johnson and six others, in trust, to build or purchase a convenient house in Spalding, and therein to place a schoolmaster to teach the children of such poor parents as should inhabit within the parish of Spalding, and who paid no levies to the Church and poor, to read, write, and learn the principles of the Christian religion contained in the Creed commonly called the Apostles' Creed, the Ten Commandments, and the Lord's Prayer, with some plain familiar catechism explaining the same, and to pray with the children morning and evening; and in case the children of those before mentioned should not be sufficient for his employment, the testator directed that some of the children of poor (viz.) Cowbitt, or other adjacent poor parents, be admitted for instruction, although out of Spalding parish; and the testator further directed, that those children who should be most towardly and tractable should, out of the said rents, have one upper garment; and in two years, or when they should be judged by the trustees to have sufficiently learned as aforesaid, be sent away well clothed, with a Bible and some book; and out of the overplus of the said rents the testator directed that such children who should be adjudged to be poorest and most deserving by the minister of Spalding, and the said trustees, or the major part of them, should have something given them towards placing them to some honest trade as apprentices, and also that it should be in the power of the major part of the said trustees to choose yearly out of their number two, living in or near Spalding parish aforesaid, to receive the rents and dispose of them according to the directions contained in his will. The will also contains a power for the surviving trustees to appoint new trustees, when the number should be reduced to four; and in default of appointment, the minister, constables, churchwardens, and overseers of the poor of Spalding, were to be the trustees.

The number of trustees appears to have been regularly kept up by successive appointments. The Reverend William Moore, D.D., John Richard Carter, Maurice Johnson, the Reverend Edward Moore, Charles Green, Samuel Edwards, and John Carter are the present trustees.

This school is usually distinguished by the name The Petit School.

The original school buildings having become dilapidated, the trustees some years since removed the school to a building in a different part of the town; but there being no house attached to the new premises, the master has continued to occupy the residence belonging to the old school.

The gross annual income of this Charity for the year ending the 31st of December, 1853, amounted to 192*l.* 10*s.*, and there was also then a balance in hand amounting to 120*l.* 5*s.* 3½*d.*

The master is appointed by the trustees, and receives a salary of 80*l.* a year. William Sleight is the present master.

Boys from the parish of Spalding, of the age of seven years and upwards, are eligible to be received into the school, and are allowed to remain until the age of fifteen. At the time of our inspector's inquiry there were sixty boys upon the books of this school.

The boys are all nominated by the trustees; and in accordance with the founder's directions are taught the Church catechism, which is not objected to by the Dissenters, whose children furnish about half the number at the school. The children also attend divine service at the parish church with the master.

The nature of the education afforded at the school consists of instruction in the Bible, reading, writing, and arithmetic, geography, English grammar, and the elements of surveying.

All the boys are provided with caps, books, and stationery out of the funds of the Charity, and some of them receive complete suits of clothes; but the latter gift is necessarily dependent upon the surplus income at the disposal of the trustees. During the year 1853 a sum of 35*l.* 10*s.* was expended in boys' clothing together with a sum of 2*l.* 17*s.* 6*d.* for merit money.

AS TO WILLSBY'S, OR THE CHURCHYARD ALMSHOUSES.

This Charity was founded by the will of William Willsby, in the year 1630, whereby he gave a cottage or tenement adjoining Spalding Church, then inhabited by two poor widows, and the sum of 50*l.* to trustees to be laid out in land for the support for ever of the same, and for keeping two aged persons therein.

In the year 1806 Mr. Fairfax Johnson, then acting trustee of the Charity, rebuilt the almshouses, making accommodation for four poor people; and in the year 1812 the management of the Charity appears to have been transferred by him to The Town Husbands, in whom it remained vested until December 1845, when it was resolved by that body, that the Charity should be placed under the management of Maurice Johnson, Esquire, and certain other trustees. Mr. Maurice Johnson, who is stated to be the heir, but not the devisee, of the last surviving legal trustee, continued to act in the management of the Charity, until he ceased to reside in Spalding a few years ago; and the Charity has since been administered for the most part by the Reverend Dr. Moore and Mr. William C. Wilkinson, who are two of the Town Husbands. A conveyance of the property to new

trustees appears to have been prepared, but never fully executed, owing to a difficulty as to the legal title.

The property of this Charity consists of about fifteen acres of land, producing a gross annual income of 42*l*., and there is a cash balance of 94*l*. 19*s*., for which interest is received.

The almshouses are in good repair; but owing to their situation in the churchyard their removal is considered very desirable.

The accumulations arose originally from a desire on the part of the administrators of the Charity to effect this removal.

The almshouses afford accommodation for four inmates, but are at present occupied by three only. The inmates are selected either from widows or single women who are more than sixty-five years of age, and each receives thirty-five cwt. of coals annually, together with a weekly stipend, which varies in amount. In the year 1853 the stipend paid to one inmate was 3*s*. a week, and that to another 2*s*. 6*d*., whilst the third received nothing, having a small independence of her own.

Under the circumstances the removal of these almshouses, and the transfer of inmates to the other almshouses, which will be presently mentioned, appears to us to be a proper and beneficial arrangement.

AS TO BUNK'S OR BURCH'S CHARITY.

It is stated in Gilbert's Parliamentary Returns that nine acres of land were vested in Theophilus Buckworth for the purpose of paying 5*s*. each to twelve poor men and twelve poor women, and 1*l*. for a sermon annually.

Theophilus Russell Buckworth, Esq., of Clay Hall, Norfolk, pays annually to the minister of Spalding 7*l*. for Bunk's or Burch's dole.

This payment is, however, considered by him as voluntary; and he has denied the existence of any charitable trust affecting his property.

The minister appropriates 1*l*., part of this sum to himself, and distributes the residue in sums of 5*s*. each amongst the poor of Spalding.

We have thought it desirable to include this foundation in our proposed scheme, so far as it may be capable of being supported as a Charity, and without intending to prejudice the question of whether it is a subsisting charity or not.

AS TO THE CHARITIES ADMINISTERED BY THE TOWN HUSBANDS.

A body of persons called "The Town Husbands," having the management of various Charities in Spalding, and consisting of about twenty of the most influential inhabitants of the town, has existed there from a very early period.

Nothing certain is known as to the origin of this body, but its succession has been regularly continued by self-election upon the occurrence of vacancies.

The property under the management of the Town Husbands consists of certain freehold and copyhold estates in the parish of Spalding and its vicinity, together with some trifling sums of money in the savings' bank, and produces in the aggregate an annual income varying from 560*l*. to 570*l*., subject to an annual deduction of about 20*l*. for outgoings.

The whole of this income is administered by the Town Husbands as one general fund, out of which, after defraying the expenses of management, the sum of about 140*l*. is applied in the purchase of coals, which are distributed amongst the poor of Spalding yearly in two doles, on St. Thomas's and Candlemas days respectively. This distribution is made in respect of so much of the trust property as is considered to have been originally given for the general benefit of the poor. The sum of about 320*l*. is applied in paying the stipends of the inmates of Sparkes' and Gamlyn's almshouses, which will be presently mentioned, and the further sum of about 45*l*. in the purchase of coals for the inmates, and the residue of the general fund is applied annually in making certain specific charitable payments in accordance with the particular foundations which will be presently mentioned, and in subscriptions of five guineas to the Spalding Dispensary, and two guineas to the Lincoln County hospital.

The following foundations relate to particular portions of the property thus administered by the Town Husbands; but little or nothing is accurately known as to the source from which the remainder of that property has been derived, or the precise trusts upon which it is held.

The several foundations, of which the particulars are known, are as follows:—

John Harrox's Foundation.

John Harrox, by will dated 19th September 1560, devised to John Thacker and Gilbert Wells, their heirs and assigns, all his copyhold lands and tenements in Spalding, upon condition that after paying the lord's fines and yearly rents and services, and reserving 3*s*. 4*d*. yearly to themselves they should distribute yearly the residue of the revenue and profits thereof amongst the poor inhabitants of Spalding, whereunto they should seem to be most in need, at the feast of the Nativity of Our Lord and Easter, by even portions.

We are informed that the property comprised in this foundation consists of a cottage, 18*l*. 3*s*. 34*d*. of land, now let, together with 9*l*. 3*s*. 3*s*^d. of other land belonging to the Town Husbands, at one rent for the whole of 63*l*. per annum, and the proportion of the rent, which is derived from this foundation, may probably be estimated at about 40*l*.

Dymock's Charity.

This Charity was founded by the will of Mrs. Dymock, dated in or about the year 1690, whereby she bequeathed 100*l.* to the then churchwardens, overseers of the poor, and chief parishioners of the parish of Spalding, and directed that the interest thereof should be appropriated as follows: 20*s.* to the minister of the parish for an anniversary sermon, 3*l.* to 12 poor widows, in sums of 5*s.* each, and the remainder towards apprenticing a poor boy.

In the year 1763 this sum of 100*l.* was applied by the then Town Husbands towards the cost of building three additional almshouses adjoining Gamlyn's almshouses, but the amount was subsequently repaid. The Town Husbands now dispense 5*l.* by way of interest on this sum, as follows: In doles to widows, 3*l.*; to the minister of the parish, 1*l.*; and the remaining sum of 1*l.* is placed in the Spalding Savings' Bank and left to accumulate for the purpose of forming a fund, which is expended in sums of 10*l.* each in the purchase of tools, which are given to poor boys upon their being apprenticed.

This Charity has since been augmented by the addition of Heald's Charity, as herein-after mentioned.

John Wilson's Charity.

This Charity was founded by the will of John Wilson, dated 27th March, 1809, whereby he bequeathed the sum of 50*l.* to the Town Husbands of Spalding for the time being, and directed that the interest should accumulate "until the boy apprenticed under Mrs. Dymock's will be at liberty," and such accumulation to be given him "to fix him." The sum of 2*l.* 10*s.* as the interest on this sum of 50*l.* is paid annually by the Town Husbands into the Spalding Savings' Bank, and left to accumulate.

The fund thus accumulated is applied as often as practicable, in the payment of sums of 5*l.* each to boys whose indentures of apprenticeship have expired, upon the production of a certificate from their master of their good conduct during the time of service.

Mrs. Mary Johnson's Charity.

This Charity was founded by the will of Mrs. Johnson, dated 11th June, 1829, whereby she gave to the Town Husbands the sum of 20*l.*, to be put out on government or real securities, and directed that the interest thereof should yearly, on the 10th of November, be distributed among the four poor women who might from time to time inhabit the Churchyard Almshouses.

In December, 1830, this Charity was increased by a bequest of 10*l.* left by a Mrs. Durham.

The two sums are now invested in the savings' bank in the names of the Town Husbands, and bear interest at the rate of 2*l.* 15*s.* 9*d.* per cent.

This interest is distributed by the Town Husbands yearly on the 10th of November, amongst the four inmates of the Churchyard Almshouses.

Mrs. Sparhes' Almshouses.

It is reported by the Commissioners for inquiring into Charities, that there is no record of the origin of these almshouses nor any land or money for their endowment. There were originally tenements for eight widows. In the year 1812 the houses were rebuilt by the Town Husbands, at the expense of the General Charity Fund, and are now occupied by six old women, who are generally widows. Each of them receives 3*s.* weekly in money and one and three quarter ton of coal annually out of the General Fund.

The receipt of parochial relief is considered to be a disqualification for admission to these almshouses.

Gamlyn's Charity.

It is reported by the same Commissioners that the earliest mention of Gamlyn's Charities is an entry in the Town Husband's General Minute Book, dated 1697, in which it was stated that in an old book deposited in the vestry (wherein were entered the accounts of the poor lands from the year 1591), there was a rental of the said lands, dated December, 1649.

No authentic deed or other instrument declaring the trusts of this Charity is known to exist; but in the muniment chest of the Town Husbands there is a paper or document without date, purporting to be part of a feoffment relating to some almshouses, and containing certain directions, which have been always adopted by the Town Husbands in their management of this Charity.

The property, distinguished in the books and accounts of the Town Husbands as belonging to this Charity, consists of houses and lands in the parish of Spalding and elsewhere, (including the house in Spalding occupied by the master of the grammar school,) and produces a gross annual rent of about 150*l.*, which is carried by the Town Husbands to the account of the General Fund.

In the year 1845, the almshouses belonging to this Charity were re-built and enlarged by the Town Husbands at an expense of 2,500*l.* It does not appear that they had obtained any legal authority for incurring this outlay.

The almshouses so erected contain seventeen sets of commodious chambers, each set consisting of two rooms, one below and the other above stairs, together with a washhouse and

kitchen on the ground floor. Each set of rooms is occupied by two persons, who are either an old man and his wife, or two old men, or two old women. No children are admitted.

The inmates, who are thirty-four in number, are appointed by the Town Husbands.

Each inmate receives a weekly stipend of 3s., besides allowances of coals out of the general fund. The annual amount paid in stipends to these inmates, exclusively of the value of the coals, is 265*l.* 4s.

Hobson's Charity.

This Charity was founded by the will of John Hobson, of Lyson, the date of which is unknown, whereby he gave the sum of 130*l.* for a minister's widow, or for want of such, a schoolmaster. This legacy was applied in the purchase of eighteen acres of land in the parish of Moulton, which were afterwards exchanged with Lord Eardley for 21*l.* 2*s.* 29*d.* This land is let with other property belonging to the Town Husbands at one gross rent. Its annual value may probably be estimated at not less than 40*l.* The Commissioners for Inquiring into Charities, report that this Charity had not been paid to a widow since the year 1808. The income is now distributed by the Town Husbands as part of the General Charitable Fund.

The same testator built the town hall at Spalding, and gave to the Town Husbands, for the benefit of the poor for ever, the shops or cellar underneath.

The town hall was pulled down in the year 1854, under a Local Improvement Act, which provides that the new public building to be erected in the place of the said hall is to be subject to the free use of the Town Husbands for the time being, for the purpose of meeting and assembling in some commodious room or rooms within the same, to transact the business incident to their trust, and that the Commissioners under the Act should yearly for ever thereafter, on Michaelmas Day, pay to the Town Husbands for the time being the annual sum of 15*l.* in lieu of the yearly income from the rents of the shops or cellars. And the Act further provides, that out of such annual amount the Town Husbands shall pay to the minister of Spalding the annual sum of 2*l.* 10*s.*, in lieu of the one fifth part of the rents to which he had been previously entitled.

The minister of Spalding receives the 2*l.* 10*s.* annually from the Town Husbands, and the residue of the 15*l.* is carried to the general fund.

Bradley's Charity.

This Charity was founded by the will of William Bradley, dated 30th May 1710, whereby he bequeathed 50*l.* to the feoffees of the poor of Spalding, commonly called the Town Husbands, and directed the same to be laid out in land; and in the meantime that the same should be put out to interest, and the income applied in paying 20*s.* yearly to the minister of Spalding for the time being, for preaching a commemoration sermon in the parish church in the afternoon next after Ascension Day, and that the residue should be distributed in bread to the poorest and most needy widows and fatherless children in Spalding, in the Parish Church, on Ascension Day, at the discretion of the Town Husbands for the time being, or the major part of them.

The legacy was laid out in 1718 on mortgage of copyhold premises in Holbeach; and in 1750, on a further sum being advanced by the then trustees (arising probably from accumulations), the premises were surrendered at the Easter Court holden in that year for the Manor of Holbeach Abbots to the Town Husbands for the use of the poor of Spalding. The land is demised, together with two other parcels of land, to Edward Bolton, at an average rent of 56*l.* 10*s.* The sum of 1*l.* is paid to the minister of Spalding, and the residue of the rent is carried to the general account.

Heald's Charity.

This Charity was founded in the year 1841, by the will of Richard Heald, M.D., whereby he bequeathed 100*l.* to the Town Husbands, and directed the interest thereof to be added to the 1*l.* payable under Mrs. Dymock's Charity for the apprenticeship of a boy. Interest on this sum at 4*l.* per cent. per annum is allowed, and paid into the savings bank to the account of Mrs. Dymock's Charity, and is applied by the Town Husbands for the purposes of that Charity.

The present Town Husbands are,—

The Rev. William Moore, D. D.
John Richard Carter, Esquire.
Robert Everard, Esquire.
Henry Hawkes, Esquire.
Charles Green, Esquire.
Charles Foster Bonner, Esquire.
Theophilus M. S. Johnson, Esquire.
William Edwards, Esquire.
Ashley Maples, Esquire.
Francis Millas, Esquire.

Maurice Johnson, Esquire.
Rev. Edward Moore.
Thomas Smith, Esquire.
Reverend Henry Spooner.
Charles Vise, Esquire.
Thomas Cammack, Esquire, M.D.
Charles Harvey, Esquire.
William Cradock Wilkinson, Esquire.
Edward Palmer Maples, Esquire.
Moses Martell, Esquire.

The practice has been for two of the body to be appointed annually in rotation as the acting Town Husbands, to whom the management is principally confided for that year.

* Complaints having been made as to the management and condition of the Grammar School, and the neglect of the master to attend personally to the duties of the school, we

caused an inquiry to be made into that, as well as the other charitable foundations in the town of Spalding, in the month of September 1854.

The whole of the governors of the Grammar School, and of the trustees of the Petit School, with one or two exceptions, being also members of the body called Town Husbands, in whom the management of the other principal charities was found to be vested, it appeared to us, that one body of trustees might be conveniently constituted for the whole of these charities, so as to diminish the expenses of management, and secure an uniform system of administration. It also appeared desirable that the constitution of the Town Husbands should be regulated and placed on a legal footing.

We further considered that the scheme by which this change in the organisation of the trusts would be effected should provide for the harmonious working of the Grammar and Petit Schools, by placing them to some extent in connexion with each other, and prescribing an improved and comprehensive system of management applicable to both.

The extensive almshouses, which were found to have been erected some years since by the Town Husbands (apparently without any sufficient legal authority), appeared likewise to require regulation; and we have thought it expedient to diminish the number of almshouses in those almshouses from 34 to 24, and to increase to a small extent the stipend of each.

We have considered, finally, that a portion of the amount which is now distributed by the Town Husbands annually in doles may be advantageously appropriated to the educational and other purposes of the scheme, the remainder being retained for distribution amongst the poor under such regulations as may insure the selection of proper recipients.

The proposed reduction of the number of almshouses, and the subtraction of any portion of the Dole Funds, are the only provisions in the scheme of any importance to which objection has been made.

With regard to the first of those objections, it is to be observed, that there is no express trust or other legal authority for the establishment or continuance of the almshouses upon their present footing, either as regards the number of inmates or the scale of allowances, and it appears to us that the number of inmates may be beneficially reduced to 24, with a somewhat larger stipend.

The principle affected by the latter objection has been already considered in our General Report, to which we beg to refer in explanation of our reasons for adhering to this provision of the scheme. But independently of the general principle, the distribution of the doles in this case to their present extent is apparently unauthorized by any express trust, and may therefore be modified, without incurring the charge of any departure from the intentions of the founders.

It has also been made the subject of objection, that the whole of the income of Hobson's Foundation is not devoted to the support of a schoolmaster's widow, as was conditionally contemplated by the founder. It will be observed, however, that a sum of twenty pounds per annum is reserved for that purpose by the scheme, in case it should be required. The actual application of the Charity to its original purpose has been found impracticable, and has consequently fallen almost into desuetude, and we think it unadvisable to trench further upon the limited resources of the school by increasing the sum at present reserved by the scheme for that purpose.

Under these circumstances we have proceeded to approve of a scheme for the regulation of the above Charities in the manner provided by our Act. And this scheme is as follows:—

SCHEME.

AS TO GENERAL MANAGEMENT.

Trustees.

1. The above-mentioned Charities, and the estates and property thereof, shall henceforth be under the management and control of one body of trustees, to be called "The Spalding Charity Trustees, or Town Husbands of the Charities of Spalding."

In the first instance the following persons shall be such trustees, namely:—The Reverend William Moore, D.D., the present incumbent of the parish of Spalding; John Richard Carter, Esquire; Robert Everard, Esquire; Charles Foster Bonner, Esquire; Theophilus Maurice Stephen Johnson, Esquire; William Edwards, Esquire; Ashley Maples, Esquire; Francis Millas, Esquire; Thomas Smith, Esquire; Charles Vise, Esquire; Thomas Cammack, Esquire, M.D.; Charles Harvey, Esquire; William Cradock Wilkinson, Esquire; Edward Palmer Maples, Esquire; Moses Martell, Esquire; and John Carter, Esquire; all residing in the parish of Spalding aforesaid.

Charity estates vested in trustees.

2. The incorporation of the above-mentioned Grammar School Charity by the name of "The Governors of the possessions, revenues, and property of the Free Grammar School of Charles II., King of England, in the town of Spalding, in the county of Lincoln, of the foundation of John Gamlyn and John Blanke, for the education, teaching, and instruction of Boys and Youths in Grammar, to endure for ever," or by any other name or names, is hereby dissolved; and all the freehold, copyhold, and leasehold messuages, lands, rents, hereditaments, and real estate whatsoever, and the right to call for a transfer or assignment of all personal estate, and to sue for and recover all choses in action (if any) now respectively vested in or received or held by the said corporation, by the above or any other name, in trust for the purposes of the said above-mentioned school, and all the

freehold, copyhold, and leasehold messuages, lands, rents, hereditaments, and real estate, and the right to call for a transfer or assignment of all personal estate, and to sue for and recover all choses in action (if any), now respectively vested in or held by the Town Husbands, or any other person or persons, in trust for the several other above-mentioned Charities, or any of them, shall respectively henceforth, and without any assurance or assignment, subject to the subsisting quit rents, leases, charges, and incumbrances (if any), be vested in and held by the Spalding Charity Trustees, and their successors for the time being, hereby appointed, and to be appointed as herein-after mentioned, subject and according to the trusts and provisions of this scheme, in the same manner, and for the same estate and interest, and as fully and effectually as the same hereditaments and premises respectively are now vested in or held by the said corporation, or the said Town Husbands, or such other person or persons as aforesaid.

3. The copyhold lands and hereditaments belonging to or held in trust for the Charities, or any of them, may be enfranchised by the trustees, with the consent of the person or respective persons who shall for the time being be in the actual possession or enjoyment of the manor or respective manors of which the same lands and hereditaments respectively shall be held, upon such terms and conditions as shall be approved by the Charity Commissioners for England and Wales; and in the meantime, and until such enfranchisement shall be effected, the lords or owners for the time being of the respective manors, of which the same lands and hereditaments respectively shall be held, shall be entitled to the same fines, rents, services, and other benefits (if any), in respect of such lands and hereditaments, as they respectively would or might have been legally entitled to if this scheme had not been established.

3. The incumbent for the time being of the parish of Spalding shall, if resident in the same parish, be ex officio a trustee of the Charities during his tenure of office, and in addition to such ex officio trustee, there shall be the full permanent number of fourteen non-official trustees; and the death, resignation, bankruptcy, insolvency, or removal from residence in the town of Spalding or within the distance of ten miles therefrom, of any non-official trustee; or his refusal or incapacity to act, or his neglect for a period of two consecutive years to attend any meeting of the trustees, shall respectively create a vacancy in the office of such trustee; and when and so often as the number of non-official trustees shall be reduced by the occurrence of vacancies to nine, a sufficient number of fit and proper persons having (subject to the provisions herein-after contained,) the qualifications required by "The Spalding Improvement Act, 1853," for the commissioners to be elected under that Act, shall be elected in the manner and according to the scale of voting prescribed by law for the election of guardians of the poor, so as to make up the full number of fourteen non-official trustees. Provided nevertheless, that no person shall be qualified to be elected a trustee under the above provision who shall not be actually resident in the town of Spalding, or within the distance of ten miles from the parish church thereof; and that no person shall be qualified or entitled to vote in the election of any trustee as aforesaid who shall not be actually resident in the parish of Spalding, and an owner or occupier of property in that parish, rated upon a rateable value of not less than ten pounds.

Election of trustees.

4. The trustees shall have the control and management of the estates and property belonging to the Charities, and shall receive the rents, dividends, and other income arising therefrom, and shall apply the same as directed or authorized by this scheme.

Trustees to manage property and receive rents and income.

5. All the lands and estates belonging to the Charities, with the exception of the school-houses, master's residences, and almshouses and their respective appurtenances, shall be let by the trustees at the best annual rents, provided that no lease be granted in reversion or for a longer term than twenty-one years without the sanction of the Charity Commissioners for England and Wales, and that every lease to be granted by the trustees shall contain covenants by the lessees for the payment of rent, the repair and insurance of the houses and buildings comprised in such lease, a proviso for re-entry on non-payment of rent or non-performance of the covenants, and all other usual and proper covenants applicable to the property comprised in the lease, unless any such covenants or provisions shall be dispensed with by the order of the said Commissioners in any particular cases.

Leasing.

6. No trustee shall either directly or indirectly become a tenant or occupier of the Charity Estate or any part thereof for his own benefit or for the benefit of any other person, except with the express consent and approval of the Board of Charity Commissioners for England and Wales.

No trustees to hold Charity property.

7. The trustees shall appoint some four of their number to be the persons into whose names any sums of stock belonging to the Charities shall be transferred, and who shall be called "The Stock Committee;" and as often as the stock committee shall be reduced by vacancies to two, two other trustees shall be appointed in like manner, into whose names the stock shall be transferred jointly with those of the two continuing members of such stock committee. But all such sums of stock may be transferred to the official trustees of charitable funds under the provisions of the Acts constituting such official trustees.

Stock committee.

8. The trustees shall appoint a clerk and receiver who respectively shall be removable by them when and as they may think fit. The offices of clerk and receiver may be combined in one person. The trustees out of the income of the Charities may pay to the clerk any stipend not exceeding twenty pounds per annum, and may allow to the receiver

Clerk and receiver.

any sum not exceeding the rate of four pounds per cent. per annum on the amount of rents actually received by him. If the same person be clerk and receiver, the total amount to be paid to him in respect of both offices shall not exceed fifty pounds per annum. Any one of the trustees may be appointed to execute the offices of clerk and receiver, or either of them gratuitously.

The receiver shall give such security before entering upon his office as the trustees shall direct.

Duties of clerk.

9. The duties of the clerk shall be to give notices of the meetings of the trustees, to attend the trustees at their meetings, to attend and give information to any committees appointed by the trustees, to enter the minutes of the proceedings at meetings of the trustees, to keep the accounts of the respective Charities, and to prepare and send such statements thereof as the trustees are bound to furnish under the Charitable Trusts Acts or otherwise, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the Charities, to make out annually a detailed account and statement of the receipts and payments in respect of the Charities and their assets and liabilities (if any) which shall be vouched and passed before the trustees at their first general meeting after Christmas Day, and to perform all such other duties in respect of the Charities, and the management thereof, as the trustees shall direct.

Duties of receiver.

10. The receiver, subject to the control and direction of the trustees, shall exercise a general supervision over the Charity property, and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the trustees annually a report showing the state and condition of the Charity estate, and shall perform all such other duties and acts appertaining to the office of receiver in respect of the Charities and their property, and the management thereof, as the trustees shall direct.

Notice of meetings.

11. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the clerk to each trustee at his residence three clear days at the least previously to each meeting, and such notice shall specify the place, and the day, and hour for holding the meeting.

General meetings.

12. The trustees shall hold not less than four general meetings in each year for transacting the business of the Charities, and such meetings shall be held on the Thursday after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively. But the trustees shall have power from time to time to appoint some other day, within thirty days next after any of the respective quarter days aforesaid, for holding the then next quarterly meeting. The trustees shall have the same right of using the town hall at Spalding for the purpose of their meetings, as is now vested in or exercised by the Town Husbands for the purpose of their meetings, and the meetings of the trustees shall be held in the said town hall accordingly, unless and until some other convenient place in the parish of Spalding shall be appointed for that purpose by the trustees.

Special meetings.

13. If circumstances require it, any two or more of the trustees for the time being may send a requisition to the clerk for calling a special meeting, and the clerk shall, upon the receipt of such requisition, give notice in writing to each of the trustees of the time, place, and object of such meeting; and no business shall be transacted at any special meeting which shall not be specified, or sufficiently indicated in the notice.

Quorum at meetings.

14. Five trustees shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of trustees shall be present to form a quorum, they shall proceed to elect a chairman from amongst the trustees then present, and in the event of an equality of votes in the election of chairman, the choice between the two persons proposed shall be determined by lot. The acts and proceedings of a majority of trustees present at any meeting properly held shall be binding on the whole body: provided that the number of trustees constituting such majority shall be not less than five; but such acts and proceedings, or any of them, may be revoked or altered from time to time, either wholly or partially, by the trustees or the majority of them at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Adjournment of meetings.

15. If after the space of one hour from the time appointed for any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees or any one or more of them present, or the clerk, if no trustee be present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned at any time by the chairman upon a resolution for adjournment being adopted at such meeting by a majority of the trustees then present.

Committees.

16. The trustees may appoint any committee or committees, consisting respectively of not less than three of their body, for superintending the repairs and management of the buildings and estates, or for the purpose of making any inquiry, or superintending or transacting any specific act or business connected with the trust, which in the judgment of the trustees may be more conveniently referred to such a committee; but the acts and proceedings of every such committee shall be reported to the trustees from time to time at the then next general meeting.

Repairs and insurance of buildings.

17. The schoolhouses and masters' residences, and the almshouses called Sparkes' Almshouses, and Gamlyn's Almshouses, with their respective fittings and appurtenances, and the buildings attached thereto respectively, and all the other houses and buildings

belonging to the above Charities (which shall not be kept repaired and insured by the tenants thereof respectively under any covenant or agreement in that behalf), shall be kept, repaired, and insured, and all the rates and taxes thereon paid by the trustees out of the general income of the Charities.

18. The clear yearly income of the said Charities which shall remain after providing for and defraying thereout the expense of repairing and keeping insured the school premises, masters' residences, and almshouses, and their respective appurtenances, and the other houses and buildings belonging to the Charities, the salaries of the clerk and receiver, and the other current and proper expenses of management, and of carrying this scheme into execution shall be applied by the trustees in manner following, namely:—

1st. In paying to the master of the Grammar School the annual stipend herein-after mentioned, and in paying and defraying the other stipends, salaries, and expenses herein-after directed or authorized in relation to the same school, when and so far as the same shall respectively become and be payable under the provisions of this scheme.

1st. For salary of master, and other expenses of the grammar school.

2d. In paying to the master of the Petit School the annual stipend herein-after also mentioned, and in paying and defraying the other stipends, salaries, and expenses, herein-after directed or authorized in relation to the same last-mentioned school, when and so far as the same respectively shall become and be payable under the provisions of this scheme.

2d. For salary of master, and other expenses of the Petit School.

3d. In providing the annual sums or payments herein-after directed or authorized to be paid for the benefit of the foundation scholars and apprentices to be respectively appointed from the Petit School, as herein-after mentioned, when and so far as the same payments respectively shall be required.

3d. For clothing foundation scholars.

4th. In paying to the inmates of the almshouses the weekly stipends, and providing the salary of the medical officer herein-after respectively mentioned.

4th. For stipends to almspeople.

5th. In paying to the incumbent or officiating minister of the parish of Spalding for the time being two annual sums of one pound each, for two sermons to be preached by such incumbent or minister respectively on such annual days as shall be fixed and appointed by the trustees, and in paying to the incumbent of the said parish for the time being the annual sum of two pounds ten shillings for his own use and benefit.

5th. For payments to minister of Spalding.

6th. In case the income of the Charities shall be sufficient for the following purpose, after satisfying or providing for the several payments and purposes aforesaid, an annual sum not exceeding 70*l*. may from time be appropriated and applied by the said trustees, if they so think fit, in providing fuel, clothing, bedding, or other necessities to be distributed by them, annually in the winter season amongst poor inhabitants of the said town or parish of Spalding, of either sex, being of good character, and not in the receipt of parochial relief, and being incapacitated from age or infirmity from maintaining themselves. Such persons to be selected from time to time by the said trustees, or a majority of them, assembled at a meeting, and a preference to be given in all cases to decayed tradespeople or others of that class, being otherwise qualified as aforesaid, who shall have fallen into indigent circumstances.

6th. For distribution amongst poor.

7th. The annual surplus income, if any, which shall remain after providing for the several payments aforesaid, shall be invested periodically by the trustees in the Three Pounds per Centum Consolidated Annuities, and the dividends thereon shall be invested from time to time, in like manner, so as to form an accumulation fund of the amount and for the purposes herein-after mentioned, and subject to the formation and continuance of such accumulation fund, the residuary income of the Charities shall be applied by the trustees, with the sanction of the Charity Commissioners for England and Wales, either in increasing the salaries of the masters or assistant masters of the said schools respectively, or otherwise for the benefit of the said schools, or either of them, or in augmenting the stipends or other benefits provided for the almspeople by this scheme, or to any other charitable purposes for the benefit of deserving poor resident in the parish of Spalding aforesaid.

7th. For forming accumulation fund.

Application of residuary income.

19. The full amount of the accumulation fund to be raised and formed under the foregoing provision shall be one thousand pounds Three Pounds per Centum Consolidated Annuities; and such accumulation fund when and as it amounts to a suitable sum, and either before or after it reaches the said amount of one thousand pounds, may, with the sanction of the Board of Charity Commissioners, be applied by the trustees in or towards defraying the expense of any extraordinary repairs or additions to the buildings, or of erecting new buildings, or effecting other improvements of the Charity Estates, or any part thereof; but the amount (if any) to be taken from time to time from the accumulation fund for any of the above purposes shall be replaced out of the annual surplus income of the Charity Estates, so as to keep up the same as far as possible to the aforesaid full amount of one thousand pounds; and subject to the foregoing provisions, whenever the accumulation fund shall be at the said full amount of one thousand pounds, the dividends and annual income thereof shall be applied by the trustees in or towards the expense of the ordinary repairs of the Charity Estate, and subject thereto shall be applicable as part of the residuary income of the Charities.

Accumulation fund

20. The trustees shall provide a minute book wherein shall be entered the names of the trustees attending each meeting, and minutes of all proceedings at the meetings, the

Minutes of meetings.

reports of committees and all other transactions of the trustees relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting.

Accounts.

21. The trustees shall provide proper account books, wherein shall be regularly entered and kept an account of the receipts and payments on behalf of the Charities, and such other particulars as the trustees shall direct. The year's account shall be examined, vouched, and audited annually at the first general meeting of the trustees after Christmas Day, or at some adjournment thereof, and shall be signed by the chairman, and two at least of the other trustees present at such meeting.

Cheques, &c.

22. All cheques and orders for the payment of money shall be signed by the chairman at some meeting of the trustees, and by one at least of the other trustees present at such meeting, and shall be countersigned by the clerk, or by the trustee (if any) filling that office.

Banker.

23. The trustees may appoint a banker for the purposes of the trusts, and they may change such banker whenever they shall think fit; and in the absence of any wilful neglect or default, the trustees shall not be responsible for any loss occasioned by the failure of such banker.

Custody of documents.

24. The trustees shall provide and keep in some suitable place one or more boxes or safes, each with a secure lock and two keys, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charities, with a list thereof; and the contents of every such box or safe shall be examined by the trustees at some meeting at least once in each year, and every such box or safe shall be kept locked, and one key thereof shall be kept by the clerk, and the other by some one of the trustees to be appointed for that purpose.

Scheme to be printed.

25. This scheme shall be printed, and a copy thereof given to every person who shall become a trustee of the Charities, and to every master of the Grammar and Petit Schools respectively.

Alteration of scheme.

26. Upon application made by the trustees to the Board of Charity Commissioners for England and Wales, any of the provisions of this scheme which may be found objectionable or inconvenient may be altered or varied by an order under the seal of the said Commissioners, provided that such alterations shall not be inconsistent with the main objects and intention of this scheme.

Copies of scheme may be taken.

27. A copy of this scheme shall be kept with the books of account and other documents belonging to the charities, and every parishioner of Spalding and other person interested in the Charities shall be at liberty to take copies of the scheme, or any part thereof, upon making application for that purpose to the trustees, at such times and subject to such reasonable conditions as may be prescribed by the trustees.

Doubts or disputes to be decided by Charity Commissioners.

28. If any doubt or question shall arise amongst the trustees, or any of them, as to the construction or proper application of any of the provisions of this scheme, or the management of the Charities, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which when given shall be conclusive on the trustees.

AS TO THE GRAMMAR SCHOOL.

School house.

29. The grammar school contemplated by this scheme shall be carried on in the building or room now used for the present grammar school at Spalding, subject and according to the provisions of this scheme; but a new schoolhouse and buildings may at any time hereafter, if found necessary or desirable, be erected and fitted up by the trustees for the purposes of the said school, with the sanction of the Board of Charity Commissioners for England and Wales.

Appointment and qualification of master.

30. The Reverend Edward Moore, the master of the present grammar school, shall retain that office in the grammar school established by this scheme, subject and according to the provisions hereof. Upon the death, resignation, or removal of the said Edward Moore, or of any future master, the trustees shall elect and appoint a new master at some meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of the vacancy. Every master to be elected shall be a member of the Church of England, and a graduate of one of the Universities of Oxford, Cambridge, Durham, London, or Dublin; and for the purpose of obtaining an efficient master, the trustees shall, previously to such election, advertise in such newspapers and receive such testimonials of candidates as they may deem expedient.

Stipend to master.

31. The trustees shall pay to the master out of the income of the Charities a fixed annual stipend of 150*l.* by half-yearly payments, and any master who shall die, or resign, or who shall be removed under the provisions of this scheme between the half-yearly days of payment, shall be entitled to a due proportion of his stipend, and of the portion of capi-

tation fees payable to the master under the provisions of this scheme from the previous half-yearly day of payment thereof, up to the day of his death, resignation, or removal.

32. The dwelling house and premises attached thereto (now occupied by the Reverend Edward Moore, and called the Master's Lodge) shall be appropriated for the use of the master of the grammar school, rent free, and the master of the said school for the time being shall reside in and have the occupation and use of such house and premises rent free in respect of his official character and duties, and not as tenant, and shall, if removed from his office, deliver up possession of the said house and premises at such time and to such person or persons as the trustees may direct, and the master shall not underlet, or permit any person except himself and family, and the boarders (if any) to be taken by him under this scheme, to occupy such dwelling house and premises, or any part thereof, without the express permission of the trustees.

Master to reside.

33. The master shall give his personal attention to the duties of the school, and no future master during his tenure of office shall occupy or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the trustees may interfere with the proper performance of his school duties.

Master not to have other employment.

34. Neither the master, nor any assistant master or teacher, shall receive or demand from any boy in the school, or from any person whomsoever on behalf of such boy, any gratuity, fee, or payment other than as is prescribed or authorised by this scheme.

Master not to receive other than authorized fees.

35. The master shall be at liberty to receive in his official residence such a number of boys as boarders as the trustees, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; but such boarders shall be instructed in the school in common with the other boys, without any distinction whatever. The scale of payments, and other terms upon which boarders may be so received by the master, shall be authorized by the trustees in the first instance, and shall be subject to revision by them, if and when they shall think fit.

Boarders.

36. The master shall be liable to be removed from his office by the trustees for any sufficient cause; and for the purpose of such removal a special meeting of the trustees shall be called by notice upon a requisition to the clerk, signed by three at least of the trustees, and at least twenty one days' previous notice of such special meeting shall be given by the clerk to every trustee, and also the master; and if a resolution for the removal of the master shall be carried at such meeting by at least two thirds of the trustees present, and not being less than five in number, such resolution shall be entered on the minutes, and signed by the trustees voting for the same, and a copy of such resolution shall, within one week after the holding of such meeting, be forwarded by the trustees or their clerk to the Charity Commissioners for England and Wales; and if the said Commissioners shall by an order under their seal signify their approval of such resolution, the master shall be considered as removed on the day of such approval, and his office shall be vacant on and from that day. Subject to the sanction and approval of the said Commissioners, the trustees may assign to any master, upon his removal or resignation, any suitable retiring allowance or pension, to be paid out of the income of the Charities.

Removal of master.

37. Every future master, previously to entering into office, shall be required to sign a declaration to be entered in the minute book of the trustees in the following form :—

Declaration to be signed by master.

“ I , declare that I will always to the best of my ability discharge the duties of master of the grammar school at Spalding during my tenure of the office according to the provisions of the scheme for the regulation thereof; and that in case I shall be removed from the mastership by the trustees, according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school and school residence to the trustees.”

38. When in the judgment of the trustees the assistance of an additional master shall be required, and the funds of the Charities shall be sufficient for the purpose, the trustees, subject to the approval of the master, may appoint some proper qualified person as assistant master of the school, and may also from time to time, subject to the like approval, appoint some suitable person to succeed to any vacancy in the office of assistant master. Every assistant master shall be a member of the Church of England, qualified to give instruction in the various branches of education to be provided at the school. And for the purpose of obtaining an efficient assistant master the trustees shall, previously to such election, advertise in such newspapers, and receive such testimonials of candidates as they may deem expedient.

Appointment of assistant master.

39. The assistant master shall hold office during the pleasure of the trustees, who may remove him from his office by a resolution passed for that purpose at any meeting, either with or without assigning a cause for such removal.

Removal of assistant master.

40. The assistant master shall be paid out of the income of the Charities such an annual stipend as the trustees may think fit, not exceeding the annual sum of eighty pounds. Any assistant master who shall be removed by the trustees for cause assigned.

Stipend of assistant master.

shall be entitled to a proportionate part of his stipend, and other emoluments (if any) under this scheme up to the day of his removal; but any assistant master who shall be removed without cause assigned shall be entitled to have a quarter's notice, and to receive his stipend and proportion of fees, up to the expiration of such notice, or shall, in lieu of notice, at the option of the trustees, be paid a sum equivalent to a quarter's stipend and to a quarter's proportion of fees.

Additional teachers.

41. Whenever circumstances require it, and the income of the Charities shall be sufficient for the purpose, the trustees may appoint an additional teacher or teachers, to be approved of by the master, for the purposes of the school, and may pay to every such teacher, out of the income of the Charities, such salary or remuneration not exceeding the rate of eighty pounds per annum, as they shall see fit. Every such teacher shall hold office during the pleasure of the trustees, and may be displaced by them at any time with or without notice, as they shall see fit.

Master may appoint and pay an assistant temporarily.

42. Until the appointment of an assistant master by the trustees under the provision for that purpose herein-before contained, the master, with the consent of the trustees, may appoint and employ any proper qualified person to assist him in teaching and in discharging the other duties of the school. The salary or remuneration for any person to be so appointed or employed shall be paid by the master out of his own income or resources; but the trustees, if they so think fit, may allow and pay to the master, out of the income of the Charities, one third part or any less proportion of such salary or remuneration, but not exceeding in the whole the annual sum of 25*l.* to be so allowed and paid.

Instruction at the grammar school.

43. The instruction to be afforded in the school shall be in the principles of the Christian religion, the Greek and Latin languages and literature, mathematics, algebra, arithmetic, book and account keeping, general English literature and composition, sacred and profane history, geography and writing; and as soon as the resources of the school will admit of the employment of an assistant master, or any teacher or teachers capable of giving the additional instruction next herein-after mentioned, the instruction to be afforded in the school shall also include, so far as may be practicable, the French and German languages, the principles of natural philosophy, the sciences applicable to the practical arts, land surveying, drawing and designing, and in such other subjects as the trustees may from time to time authorise or direct, with the view of providing a sound, religious, moral, and useful education. And for the purposes of the instruction to be so given, the school may be divided into such departments or sections as the trustees or the master, with their consent, shall think fit or expedient.

Religious instruction.

44. Religious instruction shall be given by the master at such times as he shall think best, by reading and explaining the Holy Scriptures to all the boys; and instruction in the Liturgy and Catechism of the Church of England shall be given by the master in like manner to all the boys except those whose parents, or persons standing in loco parentis (being respectively persons not in communion with that Church), shall state in writing to the trustees or the master that they object to such last-mentioned instruction upon conscientious grounds.

Prayers in school.

45. Suitable prayers, taken from the Liturgy of the Church of England, shall be read by the master every morning and evening in the school.

Attendance at church.

46. The boys shall attend divine service at the parish church of Spalding regularly on Sundays, with the exception of those boys (if any) whose parents, or persons standing in loco parentis (being respectively persons not in communion with the Church of England), shall state in writing to the trustees or master, that they object to such attendance upon conscientious grounds; and in such cases the master shall take care, as far as possible, that all such boys shall regularly attend some other place of religious public worship on Sundays.

Qualification of boys.

47. All boys residing in the parish of Spalding of the age of eight years and upwards, being of good character, and able to read and write (unless unfitted by infectious disorder or other sufficient cause), shall, to the extent and capacity of the school, be qualified for admission thereto, and entitled to partake of all the benefits and advantages thereof on payment of such sums as by this scheme are provided, but no boy shall be entitled to remain in the said school after he shall have attained the age of nineteen years. The admission and number of the boys, and their continuance in the school, shall be regulated from time to time by the trustees, who if they shall think fit, and if the accommodation of the school be sufficient, may at any time order that boys from neighbouring parishes shall be admissible to the school in addition to those residing in the said parish of Spalding.

Election of boys.

48. The trustees shall have the power of placing boys in the school subject to any regulations which they may make from time to time at any meeting.

Register of boys.

49. A register shall be kept by the master of the number and description of boys from time to time in the school, and of the periods of their severally being admitted to and leaving the same: and such register shall always be open to the inspection of the trustees

and of the persons authorised by them. Every boy shall be bound to give not less than one quarter's notice to the master previously to leaving the school, with the exception of boys leaving the school at the age of nineteen years.

50. The trustee shall have the power of dismissing and expelling any boy from the school for breach of the rules, or for immorality, theft, indecent conduct, or insubordination, or other sufficient cause; and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the trustees and decided upon by them. Suspension and expulsion of boys.

51. The boys attending the school, except the borders (if any) to be received by the master under the provision herein-before contained in that behalf, shall pay capitation fees as follows, videlicet. Every boy under the age of 14 years, such a sum not exceeding 1*l.* per quarter, and every boy over that age such a sum not exceeding 1*l.* 10*s.* per quarter, as the trustees shall from time to time direct, having regard to the requirements and resources of the school. Capitation fees.

All such capitation fees shall be paid in advance quarterly to the master, and shall be accounted for by him to the trustees, in order that the same may be applied by them as directed by this scheme.

52. The trustees may, if they see fit, appoint boys from the Petit School to be "Foundation Scholars" in the grammar school, and may remit the payment of capitation fees in favour of such foundation scholars either wholly or in part, provided that there shall not be more than ten foundation scholars in the school at one time, and that no more three such foundation scholars shall be appointed in any one year. The foundation scholars shall hold their respective appointments during such periods, and subject to such regulations and conditions, as the trustees may from time to time prescribe; and such scholars (or any of them) may be appointed by the trustees from time to time upon the occasion of the annual examination of the Petit School as herein-after mentioned. Foundation scholars.

53. The annual amount of the capitation fees to be received from the boys at the grammar school shall be applied by the trustees, in the first place, in providing the prizes, and paying the expenses of the annual examination herein-after mentioned; and the clear residue of such amount shall be divided into two equal moieties, and one of such moieties shall be paid to the master by equal half-yearly payments in augmentation of his stipend, and the remaining moiety shall be applied by the trustees in or towards the payment or augmentation of the salary or salaries of the assistant master, or teacher or teachers (if any), or otherwise for the support or benefit of the said school. Application of capitation fees.

54. All printed books and stationery necessary for the use of the boys at the grammar school shall be provided at the expense of the parents, relations, or friends of the boys, except in the case of foundation scholars, for whom the trustees may, if they so think fit, provide such books and stationery out of the income of the charities. Books and stationery.

55. The master shall provide all requisite fuel, firing, and lights for the use of the school; and the trustees shall allow and pay to the master, out of the income of the charities, an annual allowance or sum of 10*l.* for those purposes. Firing and lights.

56. Subject to the directions herein contained, the trustees may from time to time prescribe such general regulations as they may think fit, with regard to the vacations to be allowed, and the general government and conduct of the school; and subject to such general regulations, the discipline of the school, and the internal regulation and management thereof shall from time to time be under the direction and control of the master of the school. Internal regulation of school.

57. There shall be an annual examination of the boys at the school at such time as shall be appointed by the trustees; and the trustees shall appoint a suitable examiner, being a graduate of one of the English Universities, or of the University of Dublin, to conduct such examination; and may pay the examiner any sum not exceeding 3*l.* 3*s.* for his trouble, in addition to his reasonable expenses; and such examination shall take place in the presence of the trustees, or such of them as can conveniently attend, and of the master of the school, and such other persons as the trustees may from time to time invite to attend the same. Annual examination

58. The trustees may yearly, upon the occasion of such examination, distribute such prizes as they may think fit amongst the meritorious scholars who shall distinguish themselves for learning and good conduct, and who, in the judgment of the master of the school and the examiner, shall be most deserving of the same; provided that no single prize shall exceed in value the sum of one pound, and that the whole amount to be expended in prizes in any one year shall not exceed the sum of three pounds. Prizes.

59. In respect of the foundation of Hobson's Charity, the trustees may, if they think fit, assign and pay out of the general income of the charities an annual allowance or pension not exceeding 20*l.* to the widow of any master of the grammar school who shall have died after holding his office for not less than ten years, leaving a widow in straitened circumstances. Power to pension school-master's widow

AS TO THE PETIT SCHOOL.

School-house.

60. The Petit School shall be carried on in the school-house and premises now used for that purpose, subject and according to the provisions of this scheme.

Appointment of master.

61. William Sleight, the present master of the Petit School, shall retain that office, subject and according to the provisions of this scheme; and upon every vacancy in the office of master of the same school, the same shall be filled up by the trustees from time to time by a fresh appointment, to be made at a meeting to be specially called for the purpose as soon as conveniently may be after the occurrence of such vacancy. The master shall be a member of the Church of England, duly qualified to give instruction in the various branches of education contemplated by this scheme for the Petit School. And for the purpose of obtaining an efficient master, the trustees shall, previously to making any appointment, advertize in such newspapers, and receive such testimonials of candidates, as they may deem expedient.

Stipend to master.

62. The trustees shall pay to the master of the Petit School, out of the income of the charities, by half-yearly payments, a fixed annual stipend of eighty pounds; and in case the master shall be removed by the trustees, as herein-after mentioned, he shall be entitled to a proportionate part of his stipend, and of the portion of capitation fees payable to the master under this scheme up to the day of his removal.

Master not to have other employment.

63. The master shall not, at any time during the tenure of his office, hold or exercise any other office, appointment, or employment, except as permitted by this scheme, or except with the consent and approbation of the trustees.

Master's residence.

64. The trustees may provide a suitable house and premises in the parish of Spalding, for the residence of the master of the Petit School, either by renting, or by purchasing, or building the same out of the funds and resources of the Charities; and the trustees shall be at liberty to sell the old school house and premises now occupied by William Sleight, and to apply the proceeds of such sale in or towards the purchase or erection of such house and premises. Provided that no such sale should be made, and no such house or premises shall be so purchased or built by the trustees, without the sanction of the Board of Charity Commissioners for England and Wales, or the Court of Chancery.

Master to reside.

65. The master shall reside in the parish of Spalding; and in case any residence shall be provided for him by the trustees in accordance with the foregoing provision, he shall reside therein, and have the use and occupation thereof in his official character, and not as tenant; and he shall not underlet or part with the possession of the same residence and premises, or any part thereof; and in case of his removal, he shall deliver up possession thereof to the trustees, or as they shall direct. And in the event of the school premises now occupied by William Sleight being sold, or otherwise disposed of, and of his being consequently dispossessed thereof, the trustees shall provide him with a suitable temporary residence, at the expense of the Charity, until such time as a proper permanent residence shall have been provided by them in pursuance of the last foregoing provision.

Removal of master.

66. The master may be removed from his office by the trustees at a meeting to be duly convened for that purpose for incompetence, neglect of duty, contumacy, misconduct, or any other sufficient cause.

Declaration to be signed by master.

67. Every future master, previously to entering into office, shall be required to sign a declaration to be entered in the minute book of the trustees in the following form:—

"I, _____, declare, that I will always, to the best of my ability, discharge the duties of master of the Petit School at Spalding, during my tenure of the office according to the provisions of the scheme for the regulation thereof, and that in case of my being removed by the trustees, I will acquiesce in such removal, and will thereupon relinquish all claim to the mastership and its future emoluments, and will deliver up possession of the school, and school residence (if any) to the trustees."

Assistant master and teachers.

68. If circumstances require it, and the funds and resources of the Charities shall be sufficient, the trustees may from time to time appoint an assistant master, or any additional teacher or teachers for the purposes of the Petit School, at such respective salaries to be paid out of the income of the Charities, and not to exceed in any case the rate of fifty pounds per annum as the trustees may think proper; and such assistant master and teachers respectively may be at any time removed by the trustees, with or without notice or cause assigned.

Master not to receive other than authorized fees.

69. Neither the master, nor any assistant master or teacher, shall at any time receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy any gratuity, fee, or payment other than is prescribed or authorized by this scheme.

Instruction.

70. The instruction to be afforded in the Petit School shall be in the principles of the Christian religion, the elements of Latin, reading, writing, spelling, vocal music, general history and geography, English grammar, arithmetic, book and account keeping, and such other subjects of instruction as the trustees may from time to time authorize or direct with the view of providing a sound moral, religious, and useful education, adapted for the children of the industrial classes.

71. The provisions of the 44th, 45th, and 46th clauses of this scheme shall apply to the Petit School in the same manner and to the same extent as the grammar school, having due regard to the difference in the class of education to be given at the same schools respectively. 44th, 45th, and 46th clauses of scheme to apply to Petit School.

72. All boys residing in the parish of Spalding of the age of six years and upwards, being of good character and able to read (unless unfitted by infectious disorder or other sufficient cause), shall to the extent and capacity of the school be capable of admission to the Petit School, and entitled to partake of all the benefits and advantages thereof on payment of such sums as by this scheme are provided; but no boy shall be entitled to remain in the said school after he shall have attained the age of sixteen years, and the admission and number of the boys, and the period of their continuance in the school, shall be regulated from time to time by the trustees. Qualification of boys.

73. The provisions of the 48th, 49th, and 50th clauses of this scheme shall apply to the Petit School in the same manner and to the same extent as the grammar school. 48th, 49th, and 50th clauses of scheme to apply to Petit School.

74. All boys attending the Petit School shall pay capitation fees as follows, namely: every boy under the age of twelve years such a sum not exceeding four shillings per quarter, and every boy above that age such a sum not exceeding six shillings per quarter, as the trustees shall from time to time authorize or direct. Capitation fees.

All such capitation fees shall be paid by each boy in advance quarterly to the master, who shall account for the same to the trustees.

In particular cases the trustees may direct that such capitation fees shall be paid weekly or monthly; and they may, on the ground of poverty or other sufficient reason, excuse the payment of capitation fees either wholly or in part.

75. The annual amount of the capitation fees received from the boys at the Petit School shall be applied by the trustees as follows, namely: one moiety thereof shall be paid by equal half-yearly payments to the master of the said last mentioned school in augmentation of his stipend, and the remaining moiety thereof shall be applied in or towards providing books, slates, and stationery for the purposes of the same school, and providing for or increasing the remuneration of the assistant master or teachers of the same school respectively (if any), and in paying the expenses of the annual examination herein-after mentioned, or for or towards the general purposes of the same school, as the trustees in their discretion shall think fit. Application of capitation fees.

76. All printed books, slates, and stationery necessary for the use of the boys shall be provided and found by the trustees, or by the master, subject to their approbation, by and out of the moiety of the capitation fees applicable for that purpose, so far as such moiety shall be sufficient for the purpose; and in case and to the extent that the same shall be insufficient for such purpose, all such books, slates, and stationery shall be provided by and at the expense of the respective parents, relations, or friends of the boys, except in cases of necessity arising from the poverty of the parents or friends of any of the boys, when the same may be provided by the trustees out of the income of the Charities. Books and stationery

77. All requisite firing, fuel, and lights for the use of the school, and the requisite attendance for cleaning and taking care of the school-house shall be provided by the trustees out of the income of the Charities. Firing, and lights, and attendance.

78. Subject to the directions herein contained the general regulation and government of the school, and the holidays and vacations to be allowed, shall from time to time be under the direction and control of the trustees. Government and regulation of school.

79. There shall be an annual examination of the boys at the Petit School at such time as shall be appointed by the trustees; and the trustees shall appoint some fit and proper examiner to conduct such examination, and may pay the examiner any sum not exceeding 1*l.* for his trouble, in addition to his reasonable expenses; and such examination shall take place in the presence of the trustees, or such of them as can conveniently attend, and of the masters of the grammar school and of the Petit School, and such other persons as the trustees may from time to time invite to attend the same. Annual examination.

The master or any assistant master of the upper school may be appointed to act gratuitously as the examiner at any such annual examinations.

80. The trustees may yearly, upon the occasion of such examination, distribute such and so many prizes as they may deem fit amongst the meritorious scholars who shall distinguish themselves for learning or good conduct, or who in the judgment of the master of the school and the examiner shall be most deserving of the same; provided that no single prize shall exceed in value the sum of ten shillings, and that the whole amount to be expended on prizes in any one year shall not exceed the sum of two pounds. The appointments to the aforesaid foundation scholarships at the grammar school, and to the apprenticeships hereafter mentioned, may respectively be made the subject of competition at the said annual examinations amongst the boys at the Petit School, subject to such regulations as the trustees may prescribe; and such appointments respectively to the extent of the vacancies for the time being may be given by the trustees from time to time Prizes

to the boys at the last mentioned school, who upon the occasion of such examination shall appear to the trustees to be most deserving thereof, having regard to their respective proficiency, capacity, and general conduct.

Annual payments to foundation scholars elected from Petit School.

81. Every foundation scholar to be appointed to the grammar school from the Petit School shall, during his continuance at the grammar school, be entitled to receive the annual sum of five pounds for clothing and other necessities, which sum shall be paid by the trustees to every such scholar during his continuance at the said last mentioned school, by equal half-yearly payments out of the income of the Charity; or in case the trustees shall so think fit, in lieu of paying such annual sum to the scholar entitled thereto, the same may be applied by the trustees in providing clothing or other necessities for the benefit of such scholar.

Apprenticing boys.

82. An annual sum not exceeding 30*l*. may be applied by the trustees out of the income of the Charities in or towards apprenticing to trades or callings, boys to be selected and appointed by the trustees from the Petit School at the annual examination for the same school.

A register shall be kept by the trustees of the boys so apprenticed.

AS TO THE ALMSHOUSES.

The churchyard almshouses to be discontinued.

83. The tenements and buildings called or known as "Willsby's," or "The Churchyard Almshouses," shall cease to be used for the purposes of such almshouses after the determination of the respective occupancies of the present almspeople or inmates thereof; and such last mentioned almspeople, or any of them who may survive or continue, shall as soon as the occurrence of vacancies and other circumstances will permit, be removed and placed as inmates in Sparkes' Almshouses, upon the terms and conditions applicable to the inmates of the said last mentioned almshouses under the provisions of this scheme.

Almshouse buildings to be pulled down and sold.

84. The trustees shall cause the said almshouses called "Willsby's," or "The Churchyard Almshouses," to be pulled down as soon as the same shall become vacant, and shall sell the materials thereof for the best price that can be obtained for the same, and shall invest the proceeds of such sale as part of the general trust funds and property of the Charities; and the site of the said almshouses may be given up and appropriated by the said trustees, if they think fit, as part of the churchyard for the benefit of the parish of Spalding.

Provision for present inmates.

85. The present inmates of the said last mentioned almshouses respectively shall continue to occupy the same, subject to the provision for their removal to Sparkes' Almshouses, as herein-before mentioned; and they shall respectively be entitled to the same payments and benefits out of the income of the Charities, as they respectively have heretofore been accustomed to receive as such inmates as aforesaid.

Sparkes' and Gamlyn's almshouses to be continued.

86. The tenements or buildings called or known respectively as "Sparkes' Almshouses" and "Gamlyn's Almshouses," shall continue to be used as almshouses, and to be occupied by the present inmates thereof respectively, subject and according to the provisions of this scheme. The present inmates of the said two last mentioned almshouses shall respectively be entitled to the same payments and benefits out of the income of the Charities as they have heretofore been accustomed to receive, except that when the number of the present inmates of Gamlyn's Almshouses shall be reduced to twenty-four, they shall be entitled to the increased scale of payments authorized by this scheme.

Number and qualification of alms-people at Sparkes' almshouses.

87. The number of inmates of Sparkes' Almshouses shall be limited to six, and (subject to the right of the inmates of the Spalding Churchyard Almshouses, to be removed thereto) such inmates shall be poor infirm women of good character, either widows or unmarried, and resident in the parish of Spalding, who at the time of appointment shall not respectively be less than fifty years of age, and shall not at any time within the three years then next preceding have been in receipt of any parochial relief.

Number and qualification of inmates of Gamlyn's Almshouses.

88. The number of inmates of Gamlyn's Almshouses (subject to the right of occupation of the present inmates) shall be limited in future so as to not to exceed twenty-four; and so far as practicable, one half of the number shall always be men, and the other half women; and such inmates shall respectively be poor infirm persons of good character, either married or single, resident in the parish of Spalding, and being respectively not less than fifty years of age at the time of appointment, and not having been in the receipt of any parochial relief within the three years immediately preceding such appointment.

Matron.

89. The trustees may appoint one of the female inmates of Gamlyn's Almshouses to be "The Matron," and such matron shall hold office during the pleasure of the trustees, and shall discharge such functions of superintendence and control in relation to the said almshouses and the other inmates thereof, as shall be prescribed from time to time by the trustees with the view of securing order and cleanliness, and the comfort of the inmates; and such matron, in addition to her weekly stipend and other benefits as an inmate, shall be paid such a further weekly sum not exceeding 3*s*. per week, as the trustees may think fit.

Rooms, how to be occupied.

90. The rooms in the said last mentioned almshouses may be appropriated and assigned for the occupation and use of the inmates in such manner as the trustees may think fit

and it shall be lawful for the trustees from time to time to let any portion of the said almshouses, which may not be required for the occupation or use of the inmates, and the rents to be produced from such letting (if any) shall be applied as part of the general income of the Charities.

91. Subject to the provision herein-before contained with respect to the payments to be made to the present inmates of the said almshouses, the trustees shall pay to each inmate, of Sparkes' Almshouses, and Gamlyn's Almshouses, respectively out of the income of the Charities, such a weekly sum, being not less than three shillings, and not more than five shillings, per week, as shall be fixed and determined from time to time by the trustees, having regard to the income and resources of the Charities and the other circumstances. And in lieu of paying the whole amount of such weekly sums to such inmates in money, the trustees may appropriate and apply periodically any suitable portion of the total annual amount thereof in providing such inmates respectively with coals or clothing, as the trustees in their discretion shall think fit. Stipends of inmates.

92. Subject to the provisions herein-before contained for the removal of the inmates of "The Churchyard Almshouses" to "Sparkes' Almshouses," and for the reduction of the number of inmates of Gamlyn's Almshouses to twenty-four, when any vacancy shall occur in Sparkes' Almshouses or Gamlyn's Almshouses by the death, resignation, or removal of any of the inmates thereof respectively, the trustees shall, within one month after such vacancy, elect and appoint some other poor person duly qualified as aforesaid to fill such vacancy. Election of alms-people.

93. The trustees may appoint a duly qualified medical officer, who shall give medical attendance and advice, and shall supply all necessary medicines and medical appliances to the inmates of the said almshouses respectively; and they may pay to such medical officer as a remuneration for his services, and for the medicines and medical appliances supplied by him, any annual sum not exceeding twenty pounds out of the income of the Charities; and every such medical officer shall hold his appointment during the pleasure of the trustees. Medical attendance.

94. The inmates of the said almshouses respectively shall not absent themselves therefrom for more than one day without leave in writing obtained from the trustees, or some two of them to be appointed by the others to exercise that function; and no inmate shall be permitted to let his or her rooms, or any part thereof, or to receive any stranger or child to reside or stay therein. Alms-people not to absent themselves or to underlet.

95. The trustees may remove any of the inmates of the said almshouses respectively for drunkenness, immoral or profane behaviour, contumacy, breach of rules, or any other cause, which in their judgment shall justify such removal. Removal of alms-people.

No. 4.

THE CASE of the COLLEGE of GOD'S GIFT, in Dulwich, in the County of Surrey.

THE College was founded and endowed by Edward Alleyn, by virtue of Letters Patent of King James the First, dated the 21st of June 1619, whereby license was granted to the said Edward Alleyn for the relief, sustenance, and maintenance of poor men, women, and children, and the education and instruction of poor children, to found a College in Dulwich, to endure for ever, and consist of one master, one warden, four fellows, six poor brethren, six poor sisters, and twelve poor scholars, to be maintained, educated, and governed according to such ordinances and statutes as he should make in his lifetime, or as the persons nominated by him should make after his death. And he was empowered to make such ordinances, constitutions, and statutes for the maintenance, education, and government of the said master, warden, fellows, poor brethren, sisters, and scholars, as often as need should require. The college was to be called "The College of God's Gift," and the said master, warden, fellows, poor brethren and sisters, and poor scholars, were to be a body corporate, and to have power to take to them and their successors, for the maintenance of the said college, the lands therein mentioned. And license was thereby granted to Edward Alleyn to make statutes and rules for the better ordering of the said college and its property, and the master and other members of the corporation. And the Archbishop of Canterbury was to be visitor of the college, and to have power over the same and the persons therein, and to visit, order, and punish, according to the ecclesiastical laws of England, and such constitutions and ordinances as Edward Alleyn should make.

Pursuant to this license, and on the 13th of September 1619, Edward Alleyn established the college, and nominated the master, warden, four fellows, six poor brethren, six poor sisters, and twelve poor scholars, to have perpetual succession according to such statutes as should be made.

Afterwards, by a deed dated the 24th of April 1620, Edward Alleyn conveyed the lands in the Letters Patent mentioned to the sole and only use of the master, warden, four fellows, six poor brethren, six poor sisters, and twelve poor scholars, and for and to no other intent and purpose whatsoever.

On the 29th of September 1626, or six years after the endowment, the founder established certain statutes and ordinances for the maintenance, education, and government of the college; and he thereby stated the qualifications and duties which were to be required from and performed by the master, warden, fellows, poor brethren and sisters, and poor scholars, and how the revenues were to be distributed.

In framing these statutes he seemed to have considered that in some respects he was at liberty to vary the corporation and foundation which he had established; and he appointed that there should be six chaunters for music and singing in the chapel, who should be called and esteemed junior fellows, every one of them to have his voice as the four senior fellows had, six assistants, touching the ordering of the college, and the rents, revenues, and profits thereof, and thirty members; and desiring that a proportion of the poor brethren and sisters should be chosen out of each of the parishes of Saint Botolph Without, Bishopsgate, Saint Saviour's, in Southwark, and the parish now called Saint Luke's, he directed the two churchwardens from each of those parishes should for ever be the assistants of the master, warden, and fellows for the governing thereof; and further, that the churchwardens and vestry of those parishes should respectively make choice of ten poor persons, that is, five poor men and five poor women in each parish to be the members of the college, and to be admitted by them into the almshouses in London, that from thence they might be admitted into the college as places should fall void; and he directed the mode of choosing the poor brethren and sisters out of those members by lot, and for making a payment to the poor men or poor women drawing a blank lot; and he ordered to be paid to each of the chaunters a certain annual sum and a share of the surplus annual revenue; to each of the thirty members intended to be so appointed a weekly payment of three-pence, a gown once in two years, and a proportion of the surplus annual revenue.

The founder by his will, dated the 13th day of November, 1626, made certain specific bequests to his college at Dulwich, and directed his executors to build ten almshouses in the parish of Saint Buttolphe-without-Bishopsgate, London, for ten poor people of that parish, to be members of the college, and likewise ten other houses in Saint Saviour's parish for other ten poor people of the said parish, to be likewise members of the college; which said twenty poor people, being placed in their several houses, should have such relief and maintenance as in the statutes of the aforesaid college is set down.

The following are the Statutes and Ordinances made by the Founder as already mentioned, being 123 in number.

1. Imprimis. I ordaine and establish for ever that there shall be a master, a warden, four fellows, six poore brethren, six poore sisters, and twelve poore scholars in and belonging to the college,

2. Item, for the better furtherance of the honor and service of Almighty God, and for the good and welfare of the said college, I ordaine and for ever establish for all succeeding times to come, that there shall be continually six chaunters for musique and singing in the chappel of the said college, and shall be called and esteemed as junior fellows, every one of them to have his voice, according to the statutes, as the fower senior fellows have, six assistants touching the ordering of the said college, and the rent revenues and profits thereof, and thirty members; the said chaunters, assistants, and members to be employed and taken to such uses, intents, and purposes as hereafter in these my orders and statutes I shall further direct and appoint.

3. Item, that the master and warden shall be both single persons, and unmarried, of my blood and sirname, and for want of such my sirname onlie, and for want of such of my blood or name, and if they shall happen to marry after their admission, or either of them, then he so doing to be removed from the college (ipso facto) and made for ever incapable of any place or office therein, and to receive or have any benefit or profit from thence.

4. Item, that the master and warden, and either of them at the time of their admission, shall be of the full age of one and twentie years at the least, and shall be reputed to be men of honest lives and conversations, of learning, judgment, and understanding sufficient to discharge their places in the college, and such as shall be esteemed and thought to be persons provident and careful of the good of the college.

5. Item, that the two first senior fellows be in degrees, at the least Masters of Arts of either of the Universities, Oxford or Cambridge, preachers; the two second senior fellows, graduats, and divines, the first of them to be an approved schoolmaster, and the second to be a sufficient scholar to be usher of the school; the two first of the six chaunters to be musicians, of sufficient skill in the art of musique to be organists of the college, and to teach the poore scholars musique and to sing, and the other fower chaunters to be singing men of the chappel, all of them single and unmarried persons; and if any of them shall marry after their admission, then he or they so doinge to be removed from the college (ipso facto), and for ever made incapable of any place or preferment therein.

6. Item, I ordayne that every one of the sixe poore brethren, and sixe poore sisters, at the time of their admission to be single and unmarried persons, and every one of them be of the age of three score years at the least, not infected with any noisome disease, not decrepit in their limbs, and members of religious, and sober lives and conversation; and if after their admission they shall marry, commit adultery, or fornication, then he or shee so doinge to be expelled the said college, and made for ever incapable of any place or relief in or from the said college.

7. Item, that every one of the poore scholars shall be at the time of their several election and admission between the age of six or eight years, or thereabouts, and to remaine as schollers in the said college noe longer but untill they be eighteen years of age at the most, and then at the charge of the college, to be put forth either for scholars or trades, as their capacity will fit; all of them at the time of their said admission to be orphans, without father and mother, or at least such as their parents receive the weeklie almes of the parish where they live; and for want of such any other poore children of the said parishes, such as the assistantes of the said parish shall think in most need.

8. Item, that two churchwardens of the parish of Saint Buttolphes without Bishopsgate, London; and two churchwardens of Saint Saviour's in Southwark, in the countie of Surrey; and two churchwardens of that part of the parish of Saint Giles without Cripplegate, London which is in the countie of Middlesex, for the time being, for ever, shall be assistants to the master, warden, and fellows of the said college in the governing thereof.

9. Item, that the sixe poore brethren, and sixe poore sisters, and twelve poore schollers shall be for ever chosen of the parishes herein specified, in manner and form following; that is to say, two of the poore brethren, one of the poore sisters, and three of the poore schollers out of the parish of Saint Buttolphes without Bishopsgate, London; two other of the poor brethren, and one of the poore sisters, and three of the poore scholars out of the parish of Saint Saviour's in Southwark; one other of the poore brethren, and two of the poore sisters, and three of the poore schollers out of that part of the pish of Saint Giles without Cripplegate which is in the countye of Middlesex; one other of the poor brethren, two of the poore sisters, and three of the poor schollers out of the parish of Camerwell, in the county of Surrey.

10. Item, that the churchwardens and vestrie of the parishes of Saint Buttolphes without Bishopsgate, London, of Saint Saviour's Southwarke, and of that parte of the parish of Saint Giles without Cripplegate which is in the countie of Middlesex, shall severally, in their parishes, make choice of ten poore persons, that is to saie, five poore men and five poore women, in each of their parishes, to be members of the said college, to be admitted by them into my almshouses at London, that from thence they may be admitted into the college as places shall fall void; provided that such as they admit and choose be as neere as may be single persons above the age of fiftye, and such as have longest received the alms of those parishes, and if any of them after their admittance marry, or become single and marry againe, that then every of the said members so doing shall, by the assistants of that parishe where the same shall happen, be thence expelled, and a new member chosen in his or her place that is expelled.

11. Item, that nine of the poore brethren and sisters shall be elected out of those thirye members, as places shall bee void, that is, those that are to be elected out of Saint Buttolphes, Saint Saviour's, and Saint Giles, in manner following; that is, the assistants of that parishe, or of that part of the parish from whence the partie deceased or departed had been taken before, shall, upon notice given them by the master or warden of the said college of the place then void, send such two of those members as the master or warden shall nōiate, wch two persons shall draw lots for the place, ever receaving a man in a man's place, and a woman in a woman's place.

12. Item, that the manner of drawinge of the said lots shall be thus; that is to say, twoe equal small rowleses of paper to be indifferently made and rolled up, in one of which rolls the wordes, "God's Gift," are to be written, and the other rowle is to be left blank, and so put into a boxe, wch boxe shall be thrice shaken up and downe, and the elder person of these two that are elected to drawe the first lot, and the younger person the second; and which of them draweth the lot wherein the wordes "God's Gift" are written, shall be forthwith admitted into the void place or office of the said college, as the case shall require, and the other person, either man or woman, wch shall drawe the blanck lott, shall receive from the master or warden of the college so much of the pençon as would then have been due to the ptie deceased, departed, or expelled out of the said college, the same to be accounted and satisfied from the time of the said death, departure, or expulsion.

13. Item, that when the place of the m̃r shall be void, then the warden shall take upon him to be m̃r without delay, wthin the space of fower and twentie hours after the place be void, and shall be admitted thereunto by the fellowes, or the most part of them, then recidinge in the college, and shall take the oath hereafter expressed to be ministered unto him by the senior fellow then present in the chappell of the said college, in the presence of the corporation then present, after morning or evening praier, as occasion shall require.

14. Item, that the master the next daye after his admission shall in the chappell, after morning praier, there appoint the Monday fortnight following for the election of the warden, and shall also send three several notes to all the assistants for to give notice thereof in their several parish churches the next Sabbath day, expressing the qualitey and condicion of the person elective.

15. Item, that upon the daye of the election of the warden the master, the assistants, and fellowes, after all or the most parte of them be assembled, shall decently and orderly goe into the chappell, and there, after service and sermon made by one of the fellowes, proceed to the election of a new warden; after that the senior fellowe then present shall publickly and audibly read such and so many of the before-recited ordinances as do express of what condition and qualitey the person elected ought to be, and after that the electors shall make the said election indifferently, without partiality, favour, or respect of persons.

16. Item, that if above number of two shall stand to be elected warden, equal in blood and condicion, that then they shall passe by voices of the electors then present, and that they two that shall have most voices to draw lotts for the place in such manner and forme as is formerly expressed.

17. Item, that the warden shall presently after his election, and before the admission, become bound in a statute of one thousand pounds to one or two persons nominated by most part of the electors then present, the defeazance whereof shall be that at all reasonable time or times then after, he yield and make a perfect accompte of such monies, yssues, rents, and profitts which he shall then after his being warden receive and take from and out of the lands, goods, chattels, or profitts belonging to the college, or which in anywise shall concern the same.

18. Item, that the warden, after his admission, shall take the oath hereafter prescribed, which shall be administered unto him by one of the senior fellowes then present in the body of the chappell, and afterwards he (the master) and some of the fellowes shall receive the Holie Sacrament of the Lord's Supper, to expresse the mutual love and concord which is between them, and shall be conducted to his seate in the chappell and his lodgings in the college by the master and the followes of the college then present.

19. Item, that the warden at every such election shall provide a dynner for the whole college at his own chardge.

20. Item, that if both the places of master and warden shall happen to be void at one time (which God forbid), that then the senior fellow then present shall within fower and twentie houres give notice thereof to the assistants to make speedy repair to the college within three days after, to joyne with the fellowes in the election of a new master, which shall be in all points as is formerly described in the eleccon of a warden; the master being admitted, then presently, the next daie, to appoint a time for the eleccon of a warden, as is above specified, and at every such eleccon the dynner for the whole college shall be at the said master and warden's equal charge.

21. Item, that when any of the fellowes or chaunter's places shall be void by death or otherwise, then the m̃r, warden, and the rest of the surviving fellowes shall, wthin sixe weeks next after, provide two able and sufficient persons, according to the statutes, to drawe the aforesaid lotts for the place, and he that drawest the right lot to be presently admitted, and

the other to receive so much of the pension as proportionably should have accrued to the person departed as aforesaid.

22. Item, that every person so approved and allowed shall the next Sunday after receive the Holie Communion of the Lord's Supper in the chappell, and shall take the oath hereafter described, ministered to him by the warden, and then shall, by the master and warden, be admitted fellow or chaunter, and by them be then conducted to his seate in the chappel, and likewise after evening prayer that day before supper-time to his chambre, and invested by them into the possession thereof.

23. Item, that when any of the poore scholars' places, that is to saye, any of the nyne that are to be chosen out of the parish of Saint Buttolphes without Bishopsgate, London; Saint Saviour's in Southwark, and that parte of the parish of Saint Giles whout, Cripplegate, London, which is in the countye of Middx, shall happen to be void, then the master and warden shall give notice thereof to the twoe churchwardens, the assistants of that parish, or of that part of the parish from whence the poore scholler departed or deceased was first received into the college, and they to cause three or fower of the poor children of their parish to be sent to the college the Sunday se'nnight next following, by nyne of the clock in the forenoon, that the master or warden of the said college may choose two to draw the said lots for the vacant place, and he that draweth the lott wherein the words "God's Guyft" are written, shall presently be admitted a poore scholler of the said college, and that poor childe that draweth the blanck lott to have ⁱⁱⁱⁱd pence a day paid unto him for every daye after the death or departure of y^e poore scholler for whose place the lotts were drawn, to the tyme of the drawing thereof.

24. Item, that the master, warden, and fellows, shall for ever have the sole denomination and election of the poore brethren, poore sisters, and poore scholars that are to be elected out of the parish of Camerwell, to elect whom they shall thinck fitt, wthout limitation of age, provided always the persons elective (men and women) be single and needy, and especially if they inhabit in the lordship of Dulwich, where the college standeth, if y^e may be.

The Master and Warden's Oath.

25. I, A. B., admitted to the office of master or warden of the College of God's Guift, in the county of Surrey, am a single man and unmarried, uncontracted, and so long as I shall execute the said office will, by God's assistance, so continue; I shall never fraudently, maliciously, or willingly, for my part, go about to alter or change the foundation of the said college or any part thereof, or any ordinance or statute ordayned or made for the government thereof, but to the best and uttermost of my power shall faithfully keep and observe the same, nor shall doe any art or arts, thing or things, to the derogation, disturbance, hindrance, or damage of the said college, but shall defend and keepe all the rights, privileges, and prerogatives thereof, together with the goodes and lands thereunto belonging, and diligently prosecute, maintain, and defend all suits and pleadings which shall in any sort concern the said college, or the defence of the lands and goodes or the rights or privileges thereunto belonging; and whatsoever goodes or cattels of or belonging to the said college shall come to my hands, I shall truly and carefully restore and cause to be restored without any contradic^{ti}on; and I doe lastly sweare that I will truly perform all and every part of this oath, without any equivocation, mental reservation, or procuring any dispensation or absolution from the same, and not to accept of any such dispensa^{ti}on or absolu^{ti}on yf yt shall be procured. So help me God and the holie contents of this book.

The warden to take the same oath at his admittance, *mutatis mutandis*.

The Oath of all the Fellows.

26. I, A. B., admitted to be one of the fellows of this College of God's Guift in Dulwich; in the countye of Surrie, ame a single person and unmarried, and so long as I hold and have the said office or place shall contynue a single life, during which time I will not accept of or take any other service, yearly wages or stipend, of any other person or persons whatsoever, which may in any sort be preiudiciell or hurtful to this place, and I will to my uttermost and best endeavours execute the said office, and will, according to the statutes and ordinances of the said college, be obedient to the master and warden thereof in all things lawful, but especially in matters concerning the good and welfare of the said college, and I will faithfully execute and doe to my best endeavours all matters wherein I shall be employed in the same and the welfare thereof; and if yt happen, I shall be here-hence preferred or removed, I shall at all times, as occasion is offered, doe my best endeavour to further and advance the good and welfare of this college; the status of this said college, according to the plaine and grammatical sence thereof, I shall trulie and faithfully keep to the best and uttermost of my skill and power, and I shall never consent, agree, or give way to any alienation, sale, disposition, or putting away any of the lands, tents, rents, goods, profitts, or any other thing whatsoever that doth belong or appertaine to the said college, nor challenge or claim any property therein, or in any part thereof, directly or indirectly, to my own use, nor by any ways or meanes whatsoever practise or goe about to alter or change the founda^{ti}on of the said college, nor any part thereof, or any ordinance or statute ordayned or made for the government thereof, or doe any act

or actes, thing or thinges, to the derogacōn, disturbance, or hindrance of the said colledge, but shall defend and keepe to the uttermost of my power all the rights, privileges, and prerogatives thereof, together with the goodes and landes thereunto belonging; and whatsoever goods or cattell of or belonging to the said college shall come to my handes, I shall truly and carefully restore and deliver, or cause to be restored and delivered, to the master or warden of the said college, without any contradicōn; all which I do sweare faithfully and truly to observe and pforme, without any equivocacōn, mentall reservacōn, or procuring any dispensacōn or absoluōn from the same, or accepting any such if yt shall be procured. So helpe me God and the holie contents of this book.

The Oathe of the sixe poor Brethren and Sisters.

27. You, A. B., unto whome God out of his goodness and mercye hath bestowed this gifte to be one of the poor brethren or sisters of this College of God's Guift in Dulwich, in the countie of Surrey, shall here professe, that you are a single person and unmarried, and shall so continue all the time that you abide in this college; you shall not deceitfully, maliciously, or wittinglye, for your parte, breake any of the ordinances or statuts of this college, but trulie observe, keep, and pforme the same, and you shall never consent, graunt, or agree to any alienacōn, sale, or puttinge away any of the landes, tents, rents, goods, or profitts, or other things that doe or hereafter shall belong or appertayne to the said college, nor by any manner of waies or means practise, or go about to alter or chaunge the foundaōn of this college, or any statute or ordinance made for the welfare and government thereof, nor doe or commit any acte or actes, thing or thinges, to the derogacōn, disturbance, losse, or damage of the said college. So helpe you God and the holie contents of this book.

The Oath of the Assistants.

28. You, A. B., churchwardens of the pishe, &c., now admitted to be one of the assistants of this College of God's Guift in Dulwich, in the countie of Surrey, do sweare that you for your parte shall not willingly or wittingly give consent at any time hereafter to the breaking or alteracōn of the foundaōn of this college, or of any ordinance or statute made concerning the same or the government thereof, but so well as you may see them trulie kept and performed, and that you shall not consent, graunt, or agree to alienacōn, sale, or putting awaie any the landes, tentes, rents, profitts, goods, or other things that do belong or appertayne, or shall hereafter belong or appertayne, to the said college, nor take any of the profitts thereof, then what by the founder of this college is given or allowed to you, and that you shall not do or consent to the doing of any act or acts, thing or things, to your knowledge, which shall or may in any sorte, disturbe, hinder, prejudice, or damage the college, all which you shall sweare trulie to performe and keep. So helpe you God and the holy contents of this booke.

29. Item, that whensoever and as often as any master, warden, fellowe, poore brother, or poore sister shall be admitted to be of the said college, and have taken his or her oath accordingly, then the senior fellowe then present in the said college shall forthwith say as followeth;—"Now in the name of God, and of the whole corporation of this college, and of the assistants and members thereof, I doe pronounce you to be master, warden, fellowe, poor brother, or poor sister of this College of God's Guift in Dulwich, in the countie of Surrey, according to the laws, statutes, and ordinances thereof."

The Master's Office.

30. Item, that the master shall be the chiefest person in the said college, and shall be observed with reference by all the rest of the persons of the said college; he shall govern all the said persons thereof, and admonish, correct, and punish them according to the statutes; and if greater occasions and businesses drawe him not away, he shall be present at the quarterly, monethly, and weekly accompts of the warden; he shall prosecute and defend all suits that in any sorte shall concern the college, or the rights, liberties, and the advancement thereof, at the charge of the college; he shall not in any sort compromit or end any suit but by a iudiciall and legall triall, sentence, or judgment. He shall have a double or casting voice in all matters of difference concerning the college and the government thereof, and that only when the voices are equal he shall take speciall care that the poore brethren and sisters be not wronged by any of the college, and the poore scholars be not abused; he shall goe weekly to their chamber and to see that they be kept cleane by the matron appointed for that purpose; and, lastly, he shall take care that the statute of the college be duly observed and kept in all points.

The Warden's Office.

31. Item, the warden shall receive and take the rents, yssues, and profits belonging to the said college, and pay, disburse, and defray all the rents, pençons, and all other payments which are to be made by the said college for the use and maintenance thereof to all, persons in any sort thereto belonging.

32. Item, he shall, so often as the master is absent from the college, or sick or infirme, doe, execute, and performe all thinges and actes that the master is bound to doe by his place, and the master shall doe the like for the warden when he shall be absent, sick, or infirme, so that he cannot execute his place.

The Office of the Fellowes.

33. Item, the two senior fellowes shall preach two sermons every Sunday, one in the forenoone and the other in the afternoone, and one sermon on the first of September, another on the Nativity of our Lord God, and on the severall daies sett downe; they shall also daily (as likewise all the fellowes) attend (but on Sondayes and holy-dayes, Sattordayes in the afternoon, and all hollidaye eves, in their surplices) the master and warden to the chappell, and there continue during the whole service time; and they shall sing their partes in the quire. And if the third and fourth fellowes be absent both together, then they shall performe all ministerialle duties in the chappell. The senior of them two shall keepe the register book for christenings, weddings, and burials, and both of them shall doe all offices belonging to their ministry, as celebrating the Sacraments, wed, bury, christen, and visit the sick within the said college, and if they be absent, then the third and fourth fellowes shall performe the same.

34. Item, the third fellowe shal be master of the schole, and the fourth shal be usher, who shall be obedient to the master; both of them shall sing their parts in the quire, and shall have a special care for the good and vertuous instruction and education of the schollers comitted to their chardge, and they shall alternis vicibus reade prayers weekly in the chappell.

35. Item, that the two first of the six chaunters, alias junior fellowes, be men of approved skill in musique to sounde the organs in the chappell and singe their partes in the quire, and shall prick all such services and anthems as the master shall comand for the use of the chappell into faire books, and also all other songs and musiques for the private or publique use of the college, both for violls and voices, and those they shall keepe faire, and at their departure leave them to the college; and they shall teach the poore schollers to sing, prick, songe, and to play upon the violls, virginalls, organs, and other instruments as they shalbe found capable, and to teach and direct any other person or persons of the college that are to singe their partes in the chappell, or any whom the master, warden, and two senior fellowes shall thinck fit. And the other fower of the said chaunters, al^s junior fellows, to be singers in the chappell, and persons well skilled and exercised in prick song, and to be men of handicraft trades, vizt., taylors, glovers, imbroiders, shoemakers, or such like; and these fower chaunters, al^s junior fellowes, for avoyding of idlenesse, shalbe employed in their trades by the appointment of the master, warden, and fower senior fellowes, or the most part of them, for the general good of the college, both in making the poore schollers apparell and shoes, and otherwise, as they shall direct, provided all stuff shall be found them at the college charge. They shall also every day, in the afternoone, teach and instruct in their severall manufactures such and so many of the poore schollers as shall be found unfit for the universitye; and that they may not lose their musique, half the number shalbe taught the trades one afternoone, and the other of them the other afternoone.

The Office of the Poore Brethren and Sisters.

36. Item, that the sixe poore brethren shall by turns weekly sweepe and keepe clean the inner and outer courts and cloysters of the college; and if any through infirmity shall be unable to pforme the same, then he to give allowance, at the discretion of the the master or warden, to any of the other poore bretheren that shall doe y^t for him.

37. Item, that the master shall make choice of one of the ablest and healthiest of the poore sisters to be matron of the twelve poore schollers, to make their beds, sweepe their chamber, mend their cloathes, and entend them, and noe other person whatsoever. In respect of w^{ch} service of hers the other five poore sisters shall give her sixpence a piece quarterly, to be deducted out of their pençons, and paid her by the warden. And if any of the poore brethren or sisters die during her time of being matron, then she to have two parts of their goodes that are deceased (being divided into twelve partes). And if she shall happen to be sick, then the ablest of the other five shall entend the poor schollers during her sickness, and for that time have her allowance.

38. Item, I ordain that the master and warden shall appoint one other of y^e oldest and ablest of the poore sisters to make bedds and sweepe the chambers of any of the fellowes or chanterers yf they shall require such attendance. And in case that if none of the poore sisters shalbe able and fit to pforme y^t, then maye bee admitted any poore women in the towne for that office, with the consent of the master or warden under their handes, and not otherwise.

39. Item, the other five poore sisters shall weede and keep cleane the gardens in the forecourt of the college, and all the poore brethren and sisters shall alwaies be ready and willing, to the best of their abilityes, by the master's or warden's appointment, to helpe and comfort, as well the one as the other, as also the poore schollers, as well in sickness as in health.

The Office of the Porter.

40. Item, I ordaine that the porter of the college shalbe continually present in the said college, and for the most parte in the lodge or the forecourt yard; he shall keepe the keys in the daytime of all the outward gates, and shall open them in the summer at five in the morning and lock them at ten at night; and in the winter, at sixe in the morninge and at

nine at night. And every day, a quarter of an hower after the bell hath called to dynner and supper, shall lock up the said gates and come into the hall towayte upon the master or warden at their table, and after dynner and supper shall open the said gates againe. He shall also keepe the keys of the chappell, and every morninge after he hath opened the gates shall sweepe and keepe cleane the said chappell as heretofore that hath been accustomed, and shall keepe the clock, toll the bell or bells for service, and every night, after the gates are shutt and lockt, shall bring all the keys to the warden.

The Office of the Assistants.

41. Item, that the assistants shall twice every yeare repaire to the college to hear and see the audit and view the accompts of the warden and others, that is, on the fourth day of March, and the fourth day of September, but if any of those dayes be Sunday, then the next day after, and also be present at the college when the m^r or warden shalbe elected and sworne.

The Office of the Thirty Members.

42. Item, that the thirte members shall repaire to the college fower times in every yeare (if sicknesse and infirmity hinder not them), that is, on the fourth of September, on the fourth of March, on Midsomer Day, and on the Feast of St. Thomas; yf any of those dayes happen to be Sunday, then on the next day following, at which time they are to receive their quarterly pensions and other monies allowed them by the college.

Residencia.

43. Item, that the master, warden, and the two senior fellowes shalbe continually resident in the colledge; the m^r shall not be absent from the same without the consent of the warden, the senior and junior fellowes, or the most part of them, under their hands in wrytinge, above three dayes in any one weeke, upon paine of forfeyting for the first offence five marks, for the second twenty nobles, for the thirde ten poundes. The warden and two senior fellowes shall not be absent from the said college, unless y^e be with the consent of the master and the rest of the senior and junior fellowes, or the most part of them, under their handes in wrytinge, above two daies in the weeke, upon paine of forfeyting by the said warden for the first offence twenty shillings, for the second fourty shillings, and for the third fower poundes; and upon paine of forfeyting, by the said two senior fellowes, every one for his first offence ten shillings, for the second twentie shillings, and for the third forty shillings; and if the master, warden, or any of the two senior fellowes shall offend in the offence of non-residence the fourth time, that then he or they so offending shalbe expelled the college, and made for ever incapable of any place or pfit in or from the same.

44. Item, that if any of the rest of the senior or junior fellowes be absent above one daie in a weeke wthout leave from the master, warden, and most pte of the senior or junior fellowes, under their hands in writing, upon payne of forfeyting, bee or they so offending, for the first offence five shillings, for the second ten shillings, for the third twenty shillings, for the fourth offence therein expulsion from the college, and for ever made incapable of any place or benefitt in or from the college; provided that there bee noe leave graunted to any person above fourtie days wthin one yeare at the moste, one time with another. Provided also, that there be not above two of the senior or junior fellowes absent at any one time from the said college, but in case of urgent necessitye.

45. Item, that if any of the senior or junior fellowes should happen to be troubled with any noisome sicknesse, such as in the judgment of the master, warden, and most partie of the rest of the senior and junior fellowes is infectious, and would prove dangerous and prejudiciall to the rest of the members of the college, then the said fellow to procure a sufficient man to dischargd his place at his owne charge, and himself to be removed for the tyme.

46. Item, that if the warden shall, with the lawful consent as aforesaid, be absent above the time before specified, it shall be lawfull for the master to appointe one of the senior fellowes to supply the place of the warden under the name of sub-warden, only to looke to the provision and to defray the disbursements of the college until the return of the warden, and the master shall deliver competent money for that purpose unto the said fellowe, who during that tyme shall be resident in the college in such authority and sorte as the warden ought to bee when he is present.

47. Item, that the master and warden shall not be both absent from the college at one tyme, but in case of inevitable necessity, and then for so short a time as may bee.

48. Item, that none of the poor brethren or sisters or of the poore schollers shall be absent from the college any day or time without leave of the master or warden; and if any of the poore brethren or sisters shall offend herein, then he or she so offending shall for the first offence forfeit five shillings, for the second, ten shillings, for the third, one month's pension, for the fourth, expulsion from the college, and for ever be made incapable of any place or benefitt in or from the said college.

Orders for the Poor and their Goods.

49. Item, that none of the thirte poor members that have notice given them for their election to be of the college, shall give, sell, or alien any of their goodes or chattells

whereof hee or shee were then possessed, but they shall bring the same with them into the college for their own use during their natural lives, and at their death shall leave the same to be disposed of in manner and forme following. The warden or his deputy shall take an inventory of the goods of the sicke person in the time of his or her sickness, or (if that cannot be done) within one day after his or her death, if infection deny not and shall cause the said goods and chattells to be sould and the price thereof, or the goods themselves, to be divided into twelve parts, whereof the matron of the schollers shall have a double share, and the other ten single shares a piece, and this order to be observed touching the goodes of any poore brother or sister of the said college that shall dye.

50. Item, that the poore brethren and sisters shall, once a moneth, or as often as the master, warden, and four senior fellowes shall thinck fitt, give accompt how they doe bestowe and spend their monthly pensions; if any shall be found to waste his or her pension so as they shall want necessarie apparell or furniture for his or her chamber, that then it shall be lawful for the master to receive the pension of the delinquent, pportioning them a competent diet, which beinge disbursed, the surplusage shall be employed to provide for the said poore brother or sister such apparell and household stuff as he shall thinck fitt, especially necessary apparrell and bed clothes, both linnen and wollen.

51. Item, I ordaine that none of the poore brethren shall come into any of the poore sisters howses, nor any of the poore sisters shall come into any of the poore brethrens howses without the appointment of the master or warden, and that in time of sicknes when helpe and comforte is requisite.

52. Item, that none of the fellowes, poore brethren or sisters, shall keep any doggs, poultry, or any other noisome cattell within the said college, beside a catt.

53. Item, that none of the poore brethren or sisters shall washe any of his, hers, or their linnen in or any other clothes in any of their lodgings, and that they nor anybody els hang or spread any clothes to be ayred or dryed in the inner or outward courts of the college, nor cast into any of the courts either dust, water, or any other filthes; and if any of the said poore brethren or sisters shalbe found at any time walking or going out of their chambers without their gowns, he or she shall forfeyt, for every time found so doing, sixe pence.

54. Item, that the poore brethren and sisters shall not frequent any tavernes or ale howses, and if any of them be drunck and convicted thereof by the master, warden, senior and junior fellowes, or most part of them, whereof the master or warden to be one, that then hee or shee so offending shall forfeyt, for the first, second, and third offence, three daies pension for each of those times; for the fourth offence shall be set in the stocks in the utter court of the said college by the space of one hower, and also loose three daies pension; for the fift be sett in the stocks in the place aforesaid for the space of two howers, and loose one week's pension; for the sixt, be sett in the stocks in the place aforesaid for the space of three howers, and loose two weeks' pension; and for the seventh offence be expelled from the collidge forthwith, and made incapable of any place or benefitt in or from the collidge.

Obedience.

55. Item, I ordaine and for ever establish, for all succeeding tymes to come, that if any of the fellowes, poore brethren or sisters, or servaunts of the said college shall disobey or withstand the master, or, in his absence, the warden or sub-warden of the said college for the time being, in any lawful or fit matter or thing commanded or enjoined him or them to be done in their several places by the master, warden, or sub-warden of the said college for the said college, or the well and orderly government thereof; that then and in every such case the partie so offending and found to be guilty, either by evidence of the fact or proof of two witnesses, or his or her own confession, he or she shall for the first offence forfeyt sixe shillings eight pence; and if hee or shee shall continue afterwards three daies obstinate, and not pforme the same iniunction or command, being a second time required, then hee or shee so offending shalbe expelled the said college for ever, and be made incapable to have or enjoy any place or office there, or receive any benefitt or profit from thence.

56. Item, that the master and warden of the said collidge for the tyme being, or either of them, shall at any convenient time or times enter or come into any of the chambers of the fellowes, brethren, sisters, schollers, or servants of the said college, to see the order and decency thereof, and if they or any of them shall refuse to permit or suffer the master or warden so to doe, then he, she, or they so offending shall forthwith be expelled the said college, unless the cause of his, her, or their refusall by the master, warden, fellowes, or the most pte of them, shall be taken to be sufficient.

57. Item, that the master, warden, and fellowes of the said college, or the most part of them, shall command and inhibit any person residing in the said college from resorting to the house of any particular man or woman in Dulwich, or within a mile of the same.

58. Item, that none of the fellowes, poore brethren, or sisters or schollers of the said college, other than the surveyor of the diett for the time being, shall goe into the kitchen, larder, buttrye, pantry, or other offices of the saide college, but with the consent of leave of the master and warden of the said college, or one of them.

Orders for the Chappell and the celebrating of Divine Service.

59. Item, I ordaine and for ever establishe that in all succeeding times to come the service which shalbe read and sunge in the said chappell shalbe daily read and sung in such manner and forme, as neare as may be, as is usually observed in the King's Chappell or in the Collegiate Church of St. Peter and Westminster, and that the master, warden, senior and junior fellowes, and poore schollers of the said college on Sundaies, holydaies, and eves, in their surplices, and other working daies in their gownes, shall daily singe their partes in the quire of the said chappell, and if the master, warden, or any of the senior fellowes be not present in their singing, or cannot sing their parts in the quire, that then he or they that shalbe defective therein shall find everie of them at his and their own chardge a severall person that can sing his pte in the quire to supplie his or their place that is defective, until he or they shall be able to perform the same. And I further ordaine that if y^t may be, all the other servants or officers of the said college to have knowledge in pricksonge, or to learn the same after their coming to the s^d college, and to singe his or their parte in the quire also at times convenient.

60. Item, that on every Saboth and festivall daye the service shall begin at nyne of the clock in the forenoon and at two of the clock in the afternoone; and on the weeke dayes the morning service to begin at half an hower past ten of the clock, and the evening service to begin at five of the clock, from our Lady-daie in Lent to Michaelmas, and from Michaelmas to our Lady-daie in Lent, at half an hower pass fower, except festivall eves and holidadies eves, and Sattordayes, w^{ch} shalbe observed as on holidadies. The warning for all the services shalbe wth three times tolling the bell or bells.

61. Item, that at the end of the second tolling of the bell or bells to morning and evening praier every daie, the warden, junior and senior fellowes, and twelve poore schollers of the said college, shalbe ready, and attend in the hall of the said college y^e coming of the master, and go before them into the chappell, and the poore brethren and sisters to be ready and attend in the poarch before the said hall and chappell; and then the poore brothers and sisters shall first go into the said chappell, and the poore schollers two and two, and then the junior and senior fellowes two and two, and then the warden alone, and then the master alone, and after him the servants and officers of the howse of the said college in their liveryes, and there to staie and remaine and not to depart out of the said chappell during the whole time of Divine Service, except sudden sicknesse or other extraordinary occasions require it; and after service ended they are to come out of the said chappell in like order as they went in, and the poore brethren and sisters to staie in the porch until the master and warden be come into the hall of the said college; and the warden, senior and junior fellowes, poore brethren and sisters, to be at those tymes in their gownes, and the poor schollers in their coats and capps. And if the warden shall faile to be in his gowne, to forfeyt fower pence, and if any of the senior or junior fellowes shall faile to be in his or their gowne, to forfeyt two pence a piece for every time he or they so doth, and if any of the said poore brethren and sisters shall faile to be in their gownes, to forfeyt one penny a piece. These forfeitures to be increased at the discretion of the master of the said college for the time being.

62. Item, that the master, warden, senior and junior fellowes, poore brethren and sisters of the said college for the time being, and all other persons belonging to the said college of age and discretion, shall receive the holie communion if conveniently they may in the chappell of the said college fower times in the yeare, for ever, (that is to say,) on Easter day, Whitsunday, the first Sunday in September, and on the Feast of the Nativity of our Lord God; and on those daies the college shall feast the twelve poor brothers and sisters of the said college at dinner and supper at the charge of the college.

63. Item, that the fower senior fellowes shall from time to time, as often as there shall be occasion, visit and comfort, the best they maie, all such persons of the said college as shall be in extremitie of sickness or any other adversitie.

64. I ordaine that as often as the master, warden, or any of the senior or junior fellowes of the said college shall dye, that he or they so dying shall be buryed in the vaults for that purpose in the upper end of the quire of the chappell of the said college, and that noe other person or persons besides the said master, warden, or fellowes after my decease shall be buried in the said chappell or vaults, or either of them. The middle vault for the master and wardens, and the other two vaults for the senior or junior fellowes.

Orders for the Schoole and Schollers.

65. Item, I ordayne and for ever establish, for all succeeding times to come, that the master and usher of the said schoole and the two masters of musique of the said college shall every of them teach the said twelve poor schollers of the said schoole in good and sound learning, wryting, reading, grammar, musique, and good manners, and shall admit no scholler into the said schoole, nor put any out, but with the consent and approbation of the master or warden of the said college for the time being, under their or one of their hand wryting; they shall not, in regard of other schollers being to be taught in the said schoole neglect the said twelve poore schollers, but it shalbe their principal and special care to teache and instruct them with all care and diligence; they shall freely, without recompense or reward, teache and instruct them with all care and diligence; they shall freely, without recompense or reward, teach and instruct the children of the inhabitants

within Dulwich aforesaid in writing and grammar; and I do ordaine that the said master or usher of the schoole be such as be able to teache the poore schollers to write a faire hand, and shall provide and find at their own charge sufficient penne, inck, and paper for all the said twelve poore schollers, both for wrytinge and ciphering books, and for the grammarians to make their lattins in.

66. Item, that the usher of the said schoole for the time being, in absence of the schole master, shall teache, governe, and instruct the schollers of the schole masters formes in such manner and order in all things, as the said scholemaster shall direct and appoint.

67. Item, that the scholemaster and usher of the said schole shall so divide the formes, charge, and teaching the schollers between them, so that neither of them be overchardged or pressed with multitude of schollers, nor the schollers of the said schole neglected thereby and left untaught, and the usher of the said schole in his manner and form of teaching to be alwayes directed by the scholemaster, and to yield an accompt to the scholemaster of the schollers under his charge, how they doe profitt in learning, and how apt and capable they and every of them are for learning, and they both, and the musique masters to yield an accompt to the master and warden and the most part of the other senior and junior fellowes of the said college for those that are committed to their charge to be instructed; and if the master or usher of the said schole shall at any time be sick, then during that time the one shall supply the other's place for so long time as the master of the said college shall thinck fitt; and if the master or usher of the said schole shall happen to dye, or be expelled the said college, then he that surviveth or remaineth to supply both places in the said school until a new master or usher be chosen or admitted.

68. Item, that if there shalbe any contagious or infectious sicknes in Dulwich, it shall be lawful for the scholemaster and usher of the said college at y^e tyme appointed by y^e master or warden thereof to omit the publike teaching of the said schole of the inhabitants' children of Dulwich aforesaid, and such other forreyn schollers as doe not lodge within the said college; and the said contagion or infection shall at any time happen to be within the said college (which God forbid), then, and in every such case, it shalbe lawful for any person abiding in the said college, with the consent of the master, warden, senior and junior fellowes, or the most part of them, to depart or remove from the said college for the time only the said contagion shall endure. Provided alwaies, that two of the senior fellowes of the said college be continually at the said college to comfort and cherish with their best advice the poor and sick people of the said college at y^e discretion of the said master and warden of the said college; and if any poore brother or sister shall die of the plague, the house of the said poore brother or sister shalbe shut up sixe weekes, and after such time the door shalbe opened, and their goods sould to some persons not being of the college, and a fortnight after that the said person's place may be supplied againe.

69. Item, I ordaine that the inhabitants in Dulwich aforesaid shall have their men children freely taught in the schole of the said college, only giving two shillings for every child's admittance, and sixpence a quarter to the scholemaster towards broomes and rodde, and every year at Michas a pound of good candells for the use of the schole, and for such forreyner's children (other then of Dulwich aforesaid) which shall be schollers in the said schole, their friends shall paie the scholemaster and usher of the said schole such allowance as the master and warden shall appoint; and I especially ordaine that, together with the twelve poore schollers of the college, the number shall not exceede fower score at any one time.

70. Item, I ordaine that all benefitts accruing to the schole by reason of any towne or foreign scholars shall continually be divided into three parts, whereof the master shall have two parts and the usher one pte, the charge of penne, inck, and paper for the poore schollers, as aforesaid, first deducted.

71. Item, that the musique masters of the said college for the time being shall teach and instruct in song and musique freely all psons w^{ch} are in the said college at the master and warden's appointment, and for any other schollers w^{ch} desire to learne their song or musique, they shall receive such rewardes as the master or warden for the time being shall appoint, the benefit of which or any otherwise accruing to the said two musique masters shall equally be divided between them, the charge of stringes, penne, inck, and paper first deducted.

Howers of Scolinge.

72. Item, that from the first of Marche yearely, until the first of September following, every scholler shall come in the grammar schole at six o'clock in the morning and there to continue until half an hour past nine of the clock, and to come and be againe in the schole at one of the clock in the afternoone, and there remain until fower of the clock. And from the first of September yearly, to the first of March then following, shall come at seaven in the morninge and staie till half an hower past nyne, and to come againe at one in the afternoone, and there to staie till half an hower past three. And the usher of the said schoole to come and be in the said schole within a quarter of an hower after the said schollers, and the master of the said schole to come and be in the said schole within half an hower after the schollers time of coming into the said schole. And the usher shall, at his coming into the said schole, cause the roll of the said schollers to be called, and to

take a note of those which are absent of the master's formes, and present them to the master at his coming into the said schole; and the said master and usher in their several places shall admonish and correct those which were absent or did come too late, as the case shall require. And the master and usher, or one of them, to abyde or remaine in the said schole during the tyme that the schollers of the said schole are to remayne and abyde therein.

73. Item, that such schollers as learne musique in the said college shall come into the musique schole or roome every forenoon at half an hower past nyne of the clock, and every afternoone at half an hour past three, and at play daies at one of the clock in the afternoone, and there contynue in learning their song and musique.

74. Item, that the scholmaster of the said college shall appoint a short forme and order of prayer to be said and observed every morning in the said schole by the schollers thereof, kneeling on their knees, the master and usher of the said schole, or one of them, to be continually thereat.

75. Item, I ordaine that the master and usher of the grammer schole, and also the two masters and teachers of musique, during the howers and times assigned for teaching the said schollers, shall not both be absent out of the said schole at one time, unless yt be during such time as they or either of them shall have leave in wryting under the hand of the master, or, in his absence, of the warden of the said college for the time being.

76. Item, I ordaine that the schollers of the said schole shall be divided and placed into severall formes according to their capacities, and as they shall procede in learning without any partiality or affection to be shewed or used by the scholmaster or usher of the said schole therein.

77. Item, I ordaine that the master and usher of the said schole shall teach and instruct the schollers thereof according to the rules and precepts of the grammar allowed in England, and to teach & instruct in such other books as are commanded by publique authoritye, and are usually taught in the free grammar scholes of Westminster and Pauls.

78. Item, I ordaine that if any of the children of the inhabitants of Dulwich which shall be schollers in the said schole, shall be absent at any time from the said schole above the space of one and twenty daies, unless yt be by reason or occasion of sickness, and his parents or friends will have him to be or contynue a scholler there, they shall be at the chardge to paie for his new admittance.

79. Item, I ordaine that at such times as the election dayes shalbe yearly for the free schooles of Westminster or the Merchant Taylors' Schole in London, the master or usher of the said schole of the said college for the time being shall yearly go to either of the said scholes at those tymes, and take with him or them the schollers of the highest forme in the schole of the said college to see and heare the orations and exercises used and uttered by the schollers of those scholes on those daies, to the end they may observe & mark the manner and forme thereof.

80. Item, I ordaine that the said twelve poore schollers and evy of them for the time being, as he shall attaine to the age of eighteen yeares, shall then be sent out of the said college and preferred to the universitie, or some trade or manual occupaçon, as his capacity shall be fitt, at the chardge of ys colledge, wherein I would have the m^r, warden, senior and junior fellowes of the said college for the time being, or the most part of them, shall for ever diligently and carefully observe which of the poore schollers for the time being will be fit and capable for the universitie, and which are to be sent and put to trades or occupaçons, and the said schollers to be disposed of accordingly as they shall severally attaine to the age of eightene years, provided there be not above nor under the number of fower of the said schollers at one time maintayned at the universitie.

81. Item, I ordaine that the said college shall allow and satisfye to every such of the said fower poore schollers as shalbe sent to the universitie so much yearly a peece as shall by the master, warden, fellowes, and assistants, or the most part of them, be thought sufficient for their maintenance to be paid to or for them quarterly for the space of eight years then next ensewing, if an the meantime any of them shall have no other preferment; and if any of them shall have preferment within that time, then his pension shall forthwith determine and cease, as also at the expiraçon of the said eight years which shall first happen, & then the college shall send one other poore scholler to the university to be maintayned in his place, and that the master, warden, assistants, senior and junior fellowes of the said college for the tyme being shall, by all the best ways and means they can from time to time as occasion requireth, place and set forth such of the poore schollers as shall be sett and put to trades or manual occupaçons, to good and sweete trades and occupaçons, as near as may be, and to persons of good credit and sufficiency, and to give such stock or money with evy of them therein as the master, warden, assistants, senior and junior fellowes, or the most part of them, shall think fitt.

82. Item, I ordaine that if within the said eight years any such poore schollers as shall be sent to the universitie shall proceed to be batchellor or master of arte, that then the college shall allow to every of them that shall so proceed five powndes at the severall times of taking either of the said degrees; provided, and I ordaine and establishe that if

any of the said twelve poore schollers which shall be sent or put to the universitie as aforesaid shalbe afterward capable to have a fellowshippe in the said college, that then whensoever any fellowshippe in the said college is void, yf any one y^t hath been any of the said poore schollers will stand for the said fellowshippe, and desire y^t, he shall forthwith be admitted thereunto without any lotts or further election to be made of him, he taking the oath before prescribed and observing the lawes of the college; and if any of the said poore schollers that are put to trades or occupacons shall desire afterwards or stand to be admitted to be one of the servants or officers of the said college at such time as a servant's or officer's place is void, that then he shall be admitted and accepted into the said office or place before any other.

83. Item, I ordaine that the visitor of the said college for the time being shall appoint at his discretion some learned and sufficient person that is a divine to repair to the college yearly on the Monday in Whitson weeke, to appose, visit, and examyne the poore schollers in their learning, and how they do profit therein, as also how they are instructed in matters of religion and of the service and worship of Almighty God. The said person so appointed by the visiter to have att every such his repaire to the said college his dynner for himself and hiss man, to be found at the charge of the said college, together with meat for their horses; and the said person so appointed is to acquaint the visitor with his proceeding at every such time, and what he thincketh fitt to be amended touching the education of the said schollers, to the end the visitor may admonish the master, warden, senior and junior fellowes of the said college thereof, and to require them to be more carefull therein for the time to come.

Order of Diett.

84. Item, I ordaine and for ever establishe for all succeeding times to come, from and after my decease, that the diett of the said college shall be kept ordinarily for the master, warden, senior and junior fellowes, and poor schollers of the said college, at two tables in the hall of the said college, at the one whereof the master, warden, senior and junior fellowes shall sit together at the upper end of the said hall, and the twelve poore schollers shall sit at the side table in the said hall; but in cold weather and in time of sicknes of the master or warden, the master may, if he will, have his diett for himself, the warden, and so many of the senior fellowes as he shall think fitt to be in the parlour adjoining to the said hall, and that whether m^r, warden, or any of the senior or junior fellowes shall absent himself from the said dyett, being resient, without giving warning to the butler before the bell ringing, or not resient, the night before his departure, on paine to forfeyt for every meales meate twelve pence.

85. Item, that from the feast of All Saints untill the next day after the Purification of our Lady, there shalbe a fire in the parlor and in the publique hall of the said college, and in the servants' hall, there at dinner and supper times, and other times, at the discretion of the master and warden of the said college for the time being, or either of them.

86. Item, that one of the chaunters, alias junior fellowes of the said college, shall weekly by turnes be steward of the diett and provision of the said college, to see the same be sweete and wholesome, and daily to survey y^t and deliver y^t out of the wett larder to the cooke, and being drest, shall see y^t be delivered into the master's, warden's, fellowe's, and poor schollers' tables, and see that the poore schollers be not defrauded of the proporcion of their diett, as well of bread and beer as of other victualls; and he shall every Friday, at the conclusion of his weeke, give a just accompte of the quantity of victualls that hath bene spent in the college during that weke, and shall take upon him this office every Friday night, and be present at the weekly accompte of the warden of the said college, upon paine to forfeyt six shillings and eight pence for every time wherein he shalbe steward or surveyor, and not be present at the said accompts, to examine and certifie the same, or correct y^t, or shewe the defects thereof if there be cause.

87. Item, that after grace is said at the master's table, both for dynner and supper, one of the poore schollers by turnes shall read a chapter in the Bible in the hall, and all the rest of the poore schollers shall give ear thereunto, except those three of them who by turnes are to fetch in the diett.

88. Item, that noe one pticular pson shall have any pticular allowance of diett by himself, and that there shalbe no dividint or dividing of diett into shares or proporcons at the master's table, and that none of the said college shall assigne over his diett to any other person in his absence; and that the master, warden, senior and junior fellowes, and poore schollers shall take their diett in noe other place then in the place aforesaid. But if any contagion or infectious sickness happen to be at any time in the said college (which God forbid), that then in every such case the master, warden, senior and junior fellowes of the said college, or the most part of them, may consent and direct that the said diett, during that tyme of contagion or infection only, and noe longer, may be divided and sent into severall places in the said college to such psons who ought to have it; and if the master, warden, or any of the senior or junior fellowes of the said college shall at any time be sick or ill at ease that he cannot sitt at the ordinarie table and take his or their

diett there, that then also by the consent of the master, warden, senior and junior fellowes, or the most part of them, he may have diett proportionable in his chamber, and that to continue noe longer then during the time of his sickness only, and whilst he shall continue and reside in the said college.

89. Item, that the said twelve poore schollers shall have their diett proportioned and ordered for them in manner following (that is to saie) : every morning in the weeke, about eight of the clock, except Sundaies and holy daies, to have a loafe of bread weighing twelve ounces troy weight, to be divided amongst fower of them, and each of them a cup of beere ; and on Mondaies, Tuesdaies, and Thursdaies, at dynner and supper, each of they to have a good messe of pottage, and at each time two pounds of good beefe boyled, and two of the said loaves between fower of them, and beer without stint ; and on Wednesdaies, Fridaies, and Saturdaies to have the said proporcion of bread and beere as on other daies, and at dynner to have milke or other pottage befitting the season, and amongst them all twelve to have half a pound of butter and two pounds of cheese ; and instead of either butter or cheese to have a proportion of fish, or peare or apple pyes, according as the seasons are, and the like at supper, except Fridaies and fasting daies, and then every of them to have the said proportion of bread and beere at night as they have allowed them for their dynners at noones ; and on Sundayes and holy daies in open times they shall have two pounds of roasted beef between every fower of them, with the like proporcion of bread and beere as on other daies for their dynner, and at supper a competent allowance of roasted mutton between every fower of them, as neere as may be, according to the proporcion of beefe allowed them for dynner, with such increase of diett in Lent and on gawdy daies as the discretion of the surveyor of the diett for the time being shall think fitt.

90. Item, I ordaine and doe especially charge and require the master and warden of the said college, for the time being, to have a speciall regard that the beef and mutton assigned for the poore schollers be sweet and good, their beere well brewed, and their bread well baked, and made of cleane and sweete wheatten meale, the bran taken out, and every loafe after it is baked to weigh twelve ounces of troy weight ; and when any augmentation of diett shall be made in the said college, either by dividit or otherwise, that then the diett of the said twelve poore schollers to be augmented also according to the rate and proporcion of increase of the other dietts in the said college.

91. Item, that the warden of the said college for the time being shall, every year against Easter, and oftener if need shall require, provide at the charge of the college, for every of the twelve poore schollers of the said college, one surplice of white callico, one upper coat of good cloth of sad cullor, the boddys lined with canvas, and the skirts with white cotton, and one paire of drawers of white cotton, two canvas shirts with bockaram bandes to them, two pair of knitt stockings, shoes as often as need shall require, two round bands, a girdle and a black cappe, all to be repayed every year at the charge of the college, who are also at their charge to find and allow them reading books for their learning in the schole ; and their linnen clothes to be weekly washed and dried at the charge of the said college for ever.

92. Item, I ordaine and for ever establish, for all succeeding times to come, y^e every Friday, after evening praier ended, the master, warden, and so many of the senior and junior fellowes of the said college as shall then be there, shall meet in the parlor of the said college, and take view of the expenses of the said college for diett or any other occasion for the weeke past, and give order for the diet or other provision, and also for other business of the said college for the weeke following, and to hear & determine, if they can, all other businesses which concerne the said college, or any of the persons therein ; and they shall also once every month, upon the Saturday in the afternoon after evening praier, hear and take the accompts, and receipts, and disbursements made by the warden, or any other inferior officers of the said college ; and whosoever shall willingly defraud the said college in or by his accompts, and yt shalbe so adjudged by the most parte of those who are present to hear and take the said accompts, he shall for the first offence therein satisfie double damage, the second time treble damage, the third tyme four tymes the value thereof ; and if he shall offend therein the fourth time, then he shall be forthwith expelled out of the said college, and be thereby made incapable to have or enjoy any office there, or receive or have any benefit or profit from thence for ever after. And these weekly, monthly, and quarterly meetings of the m^r, warden, and fellowes of the said college I ordaine shall be called private sittings.

Public Audit and Private Sitting Dayes.

93. Item, I ordaine and for ever establish there shall be two general audit dayes and publique meetings kept and observed in the said college ; (that is to say), on the fourth daie of March and the fourth daie of September yearly ; and if either of them fall on a Sunday, then the next daie following, and shalbe kept in the audit chamber of the said college, whereat shall be present the master, warden, assistants, senior and junior fellowes of the said college, or the most part of them, at which time one of the senior fellows shall first read so many of the statutes of the said college as shall concerne the business then to be handled, and shall to the uttermost of their power take diligent care that the said

statutes be truly observed and kept; and the warden of the said college shall at those times make his general accompte of all receipts and disbursements belonging to the said college, by him had or made for the half yeare then last past, being prepared and surveyed before the master, senior and junior fellows, at their private sittings, which accompts shall then be publicly reade; and the master, assistants, senior and junior fellows then present shall heare and examyne as well the same, as also the accompts of other inferior officers of the said college; and at that audit day, on or about the fourth of March, for ever, the warden of the said college shall cleere his accompte for the year past, and what of the revenewe or other profitts of the said college shall then remaine in his hands unexpended he shall bring in at the said audit; and the warden shall at that audit make known and declare what occasion there will be for the use of money for the year then next following. Whereupon the master, warden, and assistants, senior and junior fellowes there present, or the most part of them, shall take order what money shall be employed upon those occasions, and how and in what manner it shall be employed, and the same shall presently be delivered to the warden for that purpose, and the money remayning shall be put into the common treasury of the said college, and the order so made shall be entered in the booke of orders of the said college by the warden or his clerke. And the said master, warden, assistants, senior and junior fellows of the said college, or some part of them, shall yearly, on or about the fourth of March, view all the buildings of the said college, and what decay or defect they find in any of them to give order for the repayre & amendment thereof, to be donne at the charge of the said college, before the fourth day of September next following, if conveniently y^t may be; and on the said fourth day of September next following to see and take view if the same be performed and repayed accordingly; and if the said reparaçons shall require a longer time for the doing thereof, then to appoint y^t accordingly. And they shall at either of the said auditt dayes lett and grant leases of the lands and tenements belonging to the said college, in such manner and according to such power as is lyमित and given to them by the statutes and ordinances of the said college, and noe otherwise; and they shall take special care and regard the pençons and porçons payable to the fellowes, the poore brothers, sisters, and members of the said college be daily and orderly paid, with their true and right dividend, if there be any; and that the poore brothers, sisters, and members of the said college have their gownes given and delivered to them at the tymes appointed by the said statuts and ordinances. And they shall hear and determine all matters of complaint or controversy brought unto them touching any persons then reciding in the said colledge, and they, or the most parte of them, to punish and censure the same if the cause require, according to the statutes and ordinances of the said college, and generally to hear, treat of, and determine if they, or the most parte of them can, all other matters and things which doe or may in any sort touch or concern the said college, or the good and orderly government thereof, according to the statutes and ordinances thereof. And there shall be continually two faire liegier bookes, in the one whereof shall be entered all the acts, orders, and proceedings made at every of the said publique auditts, and in the other all the acts, orders, and proceedings made at every of the said private weekly, monthly, and quarterly sittings, in which booke for the publique auditts, in a separate place by y^tself, shall be entered the names of the master, warden, assistants, senior and junior fellowes, poore brothers, poore sisters, and poore schollers of the said college, and of and at the tyme of their severall entrances into the said colledge, and of their deaths and departures from thence, and this to be ppetually observed as often as occasion requireth.

94. Item, I ordaine that at all and every of the said private sittings, the said master, warden, senior and junior fellowes then present, or the most part of them, shall heare and determine all misdemeanors, breaches, and contempts done or committed by any pson in the said college against the statutes & ordinances thereof, and they shall hear end and determine all controversyes which are brought before them, which are raised or stirred up by any persons reciding in the said college; and if it shall happen at any time of those private sittings that any person of the said college shall be expelled from thence for any offence, and that such persons shall think him or herselfe wronged thereby, that then everie such person may appeal to the master, warden, assistants, senior and junior fellowes of the said college at their next publique meeting, where the cause of his or her expulsion shall be at large debated by the master, warden, fellowes, and assistants of the said college, the party appellat first submitting him or herself to their order and censure therein, who shall have power to order, censure, and determine the same; and if upon the hearing and debating thereof they or the most part of them shall pronounce and give their voice that the party appellat have justly deserved the said punishment, then he or she that made the said appeal is forthwith (ipso facto) to be expelled out of the said college for ever, and thereby made incapable for ever after to have or enjoy any place or roome in the said college, to receave or have any benefit or profit from thence.

95. Item, I ordaine that at every auditt on the fourth daie of September, the master, warden, assistants, senior and junior fellows of the said college, or the most part of them, shall survey the evidences, plate, and money remayning in the said treasury, and all other the goodes of the said college, inventoried or otherwise, and after the same so done to put the evidences, plate, and money into the said treasury appointed for that purpose again, and lock it fast.

Audit and Treasure Chamber.

96. Item, that the auditt shall be kept in the great chamber over the hall, being part of the master's lodging, the treasure chamber over the great porch, the utter doore whereof shall have three locks and keys to be kept, and the two senior fellows and wardens of the said college to keep the keys thereof; in which treasury chamber there shall alwaies remain and stand a comon chest with three locks & keys thereunto, to be kept by the master, one of the assistants of St. Buttolphes without Bishoppesgate, and one of the assistants of St. Saviour's in Southwark, every one of them to have a key; in which chest shall be kept all the special evidences of the said college, together with such plate not daily used, and ready money, with all other things of especial value which doe belong to the said college, and a book of the statutes and ordinances of the said college, faire written in vellome; and upon the shelves of the treasury chamber, and in the desks and presses thereof, shall be layd and kept all other wrytings and evidences of lesser value which doe concerne the said college, viz^t, counterparts of leases, bookes of accounts and reckonings, copies and bookes of lawe suits and pleadings, acquittances and discharges for the receipt of money and such like, together with one book of the statutes and ordinances of the said college.

Lodgings in the said College.

97. Item, I ordaine and for ever establish that for all succeeding times to come, from and after my decease, that the master of the said college, for ever for the time being, shall enjoy and keepe to his own use for his lodgings the great chamber over the hall (which shall also serve for the auditt chamber), the chamber over the parlour, the lobby chamber, and the lobby. The warden for ever for the time being shall enjoy and keepe to his own use for his lodgings the chambers over the servants' hall, with presses in the same, and the new chamber, with the chamber over that for his man. The first senior fellow the chamber next adjoining to the chappell, with the studdy; the second senior fellow the chamber over that, with the study; the fourth senior fellow or usher to have the chamber over that. One of the musique masters to lodge in the musique schoole, the other in the chamber at the north end thereof. The other fower junior fellows or chaunters of the said college to have their lodgings appointed them in the said college by the master and warden of the said college for the time being. The twelve poor schollers for the tyme being for ever to have the long chamber over the two organists' chambers. The six poor brethren to have the six ground chambers on the east side of the inner court; and the six poore sisters to have their lodgings on the six ground chambers on the west side of the inner court; and the servants of the said college to be lodged in the said college from time to time at the discretion of the master and warden of the said college for the time being.

98. Item, that all pentioners and comoners in the said college shall be lodged at the discretion & appointment of the master or warden of the said college.

99. Item, that y^e shall not be lawful for any person to lodge any person whatsoever in the said college without the consent or leave of the master for the time being.

100. Item, I ordaine that it shall not be lawful for any person or persons of the said college to keepe or use any weapons in the said college without the consent of the master for the time being, or to play at any game of cards, or dice, or any other unlawful game in their chambers in the said college, or suffer or permit any other so to do.

Orders for the Landes, the Revenues thereof, and how it shall be Disposed.

101. Item, I ordaine and for ever establish for all succeeding times to come, that no lease or demise shall be made or lett to any person or persons of any of the landes given by me to the said college; but at one of the said publique auditt daies aforesaid, by the consent and approbation of the master, warden, assistants, senior and junior fellows of the said college, or the most part of them there present under their hands and comon seal of the said college; and the same lease or leases to be granted for noe longer term than one and twentie years, with a valuable rent reserved thereupon, without any fine to be taken for the same.

102. Item, there shall no demise, grant, or lease be made or granted of any part of the lands belonging to the said college, to the master, warden, senior and junior fellows of the said college, or any of them, or to any other persons, directly or indirectly, to their or any of their use or uses; and if any such lease shall happen to be made or granted to any person or persons, except upon those daies before appointed, then every such lease or leases to be void and of none effect, to all intents and purposes whatsoever.

103. Item, that in Easter weeke yearlye, the master, or warden, and two of the fellows of the said college at the least, shall survey all the landes and teñts belonging to the said college; and where they shall find any want of repaçon, then they to take notice

thereof in wryting, and leave them with the several tenants, or at their dwelling howses, that the said defects or wants are to be amended at the tymes lymited by their several leases; and the said warden and fellowes shall repair again to the said leased lands and teñts in the month of October then following, to survey or see if the said repaçons, wants, or defects be repayred or amended accordingly; also they shall view the thirtye members, dwellings, with all such lands, houses, & teñts as are not in lease, and taking notice of the wants thereof as aforesaid, shall present the same at the next publike sitting, that order may be given for the repayring thereof.

104. Item, that the garden and orchard, together with the three home fields called the Houletts, adjoining to the college, shall not be demised to any persons, but the same shall continually remaine in the use of the college for places of recreation of those of the college to walke in, or use any commendable exercise therein. All the fruit growing there or elsewhere to be alwayes gathered and imployed for the general use and pvision of the said college.

105. Item, I ordaine that noe part of two hundred acres of coppices or woodlands, nor so much of the earable and pasture land belonging to the said college which shall be used as a demeson for pvision threunto, and shall not at any time after my decease be demised in lease to any persons whatsoever, but that the same shall remayne in the occupaçons of the college, and be husbanded by the master and warden, with the consent of the most parte of the senior or junior fellowes thereof, to the best benefit and advantage of the college, and for the better and more easie provision of bread, and beere, and other victuals, as also for fewell of the said college.

106. Item, that out of the said coppice of two hundred acres shall yearlye twentye acres thereof be sould or felled, of the growth of tenne yeares, and not under, the said woodfalls to be made at seasonable times, wherein the laws and statutes of this realm of England for the preservaçon of the timber trees are to be duly observed.

107. Item, that the college, out of the coppice, woodes, pollard, or headgroves yearlye felled upon the lands thereunto belonging, shall be yearlye provided of sufficient fuell for the said college, to be spent in the hall, parlour, servants' hall, kitchen, bakehouse, brew-house, at such proporçon and allowance as the master, warden, and fellowes of the said college, or the most part of them, shall appoint.

108. Item, that out of the said woodfalls the master of the said college for the time being shall yearlye have for his own fuell in his chamber two hundred faggotts; the warden shall yearlye have two hundred faggotts for his own spending; the fower senior fellowes of the said college shall yearlye have for their own spending one hundred and fifty faggotts a piece; the six chaunters or junior fellowes shall yearlye have one hundred faggotts a piece for their own spending. All the said faggotts to be brought home to the said college, at the charge of the said college, between the first of September and the Feast of All Saints yearlye, to be kepte in the yarde in a stack, and delivered by the baylife to the master, warden, and fellowes by half hundreds or quarters, as they shall desire.

109. Item, I especially prohibit and forbid, for all succeeding times to come, that any timber trees fit for shadow or shelter be cutt and felled in any of the groundes adjoining or lying neere to the west, south, and south-west partes of the said college.

110. Item, that noe timber trees shall be felled upon any of the landes belonging to the college, but only such as are of necessitie to be imployed for the building or repayring of the said college; and that no timber be soule to any pson or persons whatsoever, but to the tenants of the lands belonging to the said college in Dulwich aforesaid, for the building or repayring of their tenements there, and not to be otherwise bestowed or employed to any other use.

111. Item, I ordaine that the master and warden of the said college, for the time being, shall keepe and maintain husbandry upon the lands belonging to the said college, as much as shall necessarily serve for the necessary provision of the said college.

112. Item, that the master of the said college for ever, for the time being, shall be allowed diett for one man, and the warden for one other man, both at the charge of the college, to waight and attend upon them, and that for the service of the said college. And also these servants hereafter following shall be hired and kept in the college at the charge of the said college, that is to saie, a porter, a cooke, a maulster and brewer, a butler, a bayley to look to the woodes, cattel, and husbandry, one ploughman, being eight in number, at the rate of three pounds yearly wages a piece; one kitchen boy, and one ploughboy at two pounds yearly wages a piece; and all of them to be single persons, for ever for the time being, and to receave, besides their yearly wages, these liveryes at the charge of the college, that is to saie, at Easter, a coate of the same cloth whereof the poor schollers' coats are made of, and against the first of September yearlye one black frize coat.

113. Item, I ordaine and for ever establish, for all succeeding tymes to come, that the revenewe of the landes which I have given to the said college, amounting to eight hundred

pounds per annum, or thereabouts, shall be yearly disposed and divided in such manner and sort as hereafter ensueth, that is to say,—

	£	s.	d.
For the diett of the master, warden, and ten senior and junior fellows, after the rate of ten powndes p annum a piece	120	0	0
For the diett of the 12 poore schollers and ten servants	110	0	0
For bread and beere for the 12 poor brothers and sisters, two pence a daie a peice for all, 14s. a monethe, p annum	36	0	0
For the master pençon, to be paid quarterly, p ^r annum	40	0	0
The warden's pençon, to be paid quarterly, p ^r annum	30	0	0
The two first senior fellows' pension to be 12 <i>l.</i> a yere a piece, paid quarterly, p ^r annum	24	0	0
The two second senior fellows' pension to be 10 <i>l.</i> a yere a peece, paid quarterly, per annum	20	0	0
The two first chaunters or junior fellows, viz ^t , organists, to be six pounds to each of them, paid quarterly, per annum	12	0	0
To the said two first chaunters or junior fellowes, to find stringes for their instruments, pap, pennes, and inck, for the twelve poor schollers, eleaven shillings & 8 <i>d.</i> a piece, per annum	1	3	4
The other fower chanterers or junior fellowes' pension to be 5 <i>l.</i> a yere a peece, p ^d quarterly, p ^r annum	20	0	0
The 12 poore brothers & sisters pençon, in money 4 <i>d.</i> per diem, to be paid monthly, and every day a wheaten loaf weying 12 ounces troy waight, and a full quart of eight shillings beere to each of them; the money pençon p annum is 6 <i>l.</i> 1 <i>s.</i> 8 <i>d.</i> , besides the bread and beere, which in the total, per annum, is seaventy and three powndes	73	0	0
For their 12 gownes, to be delivered them on the first of September, once in two years for ever, after the rate of 20 <i>s.</i> a peece, per ann.	6	0	0
For the 12 poore schollers apparell, per annum	20	0	0
For the assistants, their horsheir, 10 <i>s.</i> a peece, per annum	3	0	0
The thirtie members 6 <i>d.</i> a week a peece, per annum	39	0	0
Thirtie gounes for them, once in two years, at 20 <i>s.</i> price a peece, per annum	15	0	0
Eight servants or officers of the college for their wages, in total, per annum	22	0	0
Liveries for those servants, at twelve shillings and sixpence a peece, per annum	5	0	0
In augmentaçon of diett for the assistants' dynners, and the fower feasting days, for the twelve poor brothers & sisters, per annum	3	6	8
The sum of these is, p annum	600	0	3

114. Item, I ordaine and for ever establish, that the remainder of the revenewe being twoe hundred pounds per annum as aforesaid, of the said landes belonging to the said college, with all other advancements, profitts, and commodities which shall arise and accrue to the said college, if there shall be any, shall be kept by the warden until the audit, which shall be yearly holden on or about the fourth day of March, and then and there by the warden of the said college for the time being brought into the *mr*, assistants, senior and junior fellowes, or the most parte of them, to be disposed of in this manner and forme following, and noe otherwise.

115. Item, that out of the said remainder there shalbe first put into the treasury chest one hundred pounes, if y^t shall amount to so much, which shall alwaies be ready for any suddaine cause of ymploym^t; and if case shall require at any time to break the same sum of one hundred pounds, or any part thereof, that then at the next audit day, at or about the fourth day of March, the said sum of one hundred pounes shalbe supplied and renewed again, so that alwayes from time to time, at the next audit in March, one sum of one hundred pounds shall remain in the treasury, and no more.

116. Item, that next out of the aforesaid remainder shalbe satisfied and paid all bills, repaçons, and lawe suits, if there be any disbursed by the warden; also for preferment of the poor schollers at their departure from the college, and tenn pounes annually to be disbursed for the repaçon of the highwayes, viz^t, the horsway and footway between Camerwell Toune and the college.

117. Item, that after these disbursements, or so many of them as shall yearly fall out, if there shall remaine the sum of fifteen pounds or upwards in stock, over and above the one hundred pounds in the treasure chest, that then the said fifteen pounds, or any other greater sum which shall remaine, shall at that auditt be divided into six hundred equal parts or dividents, and be disposed of and distributed in manner following, that is to say,—

	Parts.
To the master for the time being - - - -	40
To the warden for the time being - - - -	30
To the 1st senior fellow for the time being - - - -	12
To the 2d senior fellow for the time being - - - -	12
To the 3d senior fellow for the time being - - - -	10
To the 4th senior fellow for the time being - - - -	10
To the 1st chaunter or junior fellow for the time being - - - -	6
To the 2d chaunter or junior fellow for the time being - - - -	6
Towards strings, pap, pennes, and inck - - - -	1 ⁰
To the 3rd chaunter or junior fellow for the time being - - - -	5
To the 4th chaunter or junior fellow for the time being - - - -	5
To the 5th chaunter or junior fellow for the time being - - - -	5
To the 6th chaunter or junior fellow for the time being - - - -	5
To the 12 poor brethren and sisters for the time being - - - -	109 ¹ / ₂
For the bettering of their 12 gowns - - - -	6
For the bettering of the 12 poor schollers' appell - - - -	20
For addiçon of y ^e assistants' horshire - - - -	3
To the 30 members amongst them all - - - -	39
For the bettering of their gownes - - - -	15
To the increase of the 10 servants' wages - - - -	22
For the bettering of their liveries - - - -	5
For increase of diett for the master, warden, and fellows - - - -	121
Also for the 12 schollers' and ten servants' increase of diett - - - -	110
Increase of diett for the assistants' dynner, and for fower daies of feasting, the twelve poore brothers and sisters - - - -	3 ¹ / ₃

118. The remainder of the said six hundred parts shalbe delivered to the warden of the said college as the first receipt of moneys to be by him disbursed for the benefitt and good of the said college.

119. Item, I ordaine and for ever establish, that if at any time or times hereafter, by any waie or means whatsoever, this revenewe of eight hundred p annum, w^{ch} I have given to the said college, should sinck or decrease under the yearly value of six hundred pounds, (w^{ch} God of his goodness forbid), that then and in such case there shalbe (by the consent of the visitor) a general defalcaçon out of all the pençons and allowances aforesaid proportionably; and the said abatement to contynue till such time the said revenue shall amount to the annual value of six hundred pounds p annum again, and noe longer.

120. Item, I ordaine and for ever establish, for all succeeding times to come, that the churchwardens of the parish of St Buttolphes without Bishopsgate, London, and their successors for ever, to whom I have given a tente in Dulwich, called the Blewhowse, shall annually and for ever dispose of the revenue thereof, in manner and forme following, and noe otherwise, that is to say, every year, yearly, on the first Sunday of September, being my birthday, they shall, in the parish church of their said parish, in the forenoon after Divine service, give unto those ten poore people of their parish which are called members of God's Guift College aforesaid, and their successors, twelve pence a peece for ever; and all the full residue of the said rent they shall give unto such and so many other poore of their own parish as they thinck are in most neede, sixpence a peece for ever.

121. Provided alwaies, that albeit I have in these former statutes lymitted the sixe poor brothers, sixe poor sisters, and twelve poore schollers to be of the said fower parishes aforesaid, yet notwithstanding, if yt shall so happen that at such time or times when a poore brother, sister, or poore scholler's place shall be void in the said college, and not any in the aforesaid fower parishes can be found capable thereof, that then and in such case it shalbe lawful for the master, warden, senior and junior fellowes, or the most part of them, to make choice of a fitt person in any other countie, parish, or place whatsoever.

122. Item, I ordaine that all the penalties and forfeitures of money which shalbe had or made by the master, warden, fellowes, poore brethren, and sisters of the said college, or any of them, shalbe deducted out of their several stipends and pençons as they grow due; and the warden of the college for the tyme being, shall, for ever, as occasion requireth, imploy, convert, and bestowe the same towards the detryments and repaçons of the household stuff of the said colledge, and at every auditt shall give account thereof accordingly.

123. Item, I ordaine that all these aforesaid statutes, lawes, and ordynances, for the orderly & well governing of the said colledge, with the lands thereunto belonging, and every member thereof, may be for the more better observed and kept for all succeeding times to come, that the whole bodie of these statuts of the said college, by the warden or one of the senior fellowes, in the presence and hearing of any person or persons in anywise

belonging or apperteyning to the said college, be read at fower seväll times or daies in the year: the first day of September, the first day of December, the first day of M'ch, and the first day of June; and when any of these fower daies fall on a Sunday, then they shall be read the next day following.

Disputes of frequent occurrence respecting the management of the college, and the disposition of its funds, have prevailed from an early period between the corporation, and the three parishes of St. Botolph, St. Saviour, and St. Luke.

They have related principally—

- 1st. To the claim of the six churchwardens, in their character of assistants, to interfere in the management of the Charity and the election of the members.
- 2dly. To the liability of the college to provide for the six chaunters and thirty out-members, whom the founder attempted to add to the corporation subsequently to the original grant; and
- 3dly. To the obligation on the college to increase the number of poor persons and scholars, in consequence of the augmentation of the income of the Charity.

The first of these points was decided in favour of the assistants by a decree made by Lord Chancellor King, in the year 1728, whereby it was declared that the founder could not, by his ordinances of 29th September 1626, add any persons to the corporation, but that he could appoint assistants; and it was therefore ordered, that the churchwardens and their successors should be admitted to be assistants to the corporation, according to the ordinances. The same question was again brought to judicial decision on the occasion of the recent election of the warden in the year 1851, when, upon an application by the assistants to the Court of Queen's Bench for a mandamus to compel the master and fellows of the college to swear in the warden, who had been chosen by the assistants in opposition to the votes of the master and fellows, the right of the assistants to vote at the election of the warden was established by the judgment of the court, and a mandamus was issued accordingly.

The second point was decided by the decree of Lord Chancellor King, already mentioned, which declared that no addition could be legally made by the founder to the members of the corporation subsequently to its creation. And that decision was recently recognised and acted upon by Lord Langdale, M.R., in the case of Attorney General *versus* Dulwich College, which will be presently noticed.

The third point was brought for determination before the Court of Chancery in the year 1841, by an information filed by the Attorney General at the instance of the Commissioners for inquiring into Charities, who had reported as the result of their investigation of this Charity, "that in consequence of the increase of the revenues of the college, the " then payments to the poor brethren and sisters so far exceeded what could be required " by them, or could have been intended by the founder, that it seemed proper to submit " to the consideration of Her Majesty's Attorney General, whether the opinion of a court " of equity should not be taken on the propriety of extending the Charity to such a " degree and in such a manner as might be deemed most expedient."

The case (*Attorney General v. Dulwich College*, 4 Beavan's Reports, p. 255) was heard by Lord Langdale, M.R., who decided that the Court of Chancery could not interfere for the purpose of extending the Charity to any other objects than the members of the corporation, and dismissed the information.

These decisions have established the legal right of the members of the actual corporation to the enjoyment of the entire revenues of the college endowment; and no effectual scheme for extending the objects and usefulness of this important charity can consequently be now adopted without the authority of Parliament.

It is proper to state here, that in consequence of a suggestion made by Lord Langdale, subsequently to his decision dismissing the information, the school, at present known as the College Grammar School, was established by the college in or about the year 1841 for the benefit of the inhabitants of Camberwell, and about 80 boys are now educated in that school at a rate of charge varying from one guinea a quarter to twopence a week each. This school was built at an expense to the college of upwards of 1,000*l.*, and is maintained at an annual cost of about 200*l.*, which is defrayed out of the income of the Charity. The establishment and continuance of this school, however, must be regarded as the voluntary act of the present members of the college, and it might be repudiated at any time by their successors.

The real estate belonging to the college consists, with little alteration, of the property with which it was endowed by the founder, and embraces the manor and nearly the whole of the hamlet of Dulwich, comprising upwards of 1,300 acres of land there, and also certain house property in the parishes of St. Botolph, Bishopsgate, and St. Luke's, Old Street. In addition to the real estate, the Charity is also entitled to certain sums of stock amounting to 6,000*l.*, and also to a sum of about 1,800*l.*, representing a portion of the Charity estate taken by the Crystal Palace Company.

The annual value of the endowment was estimated by the founder at 800*l.*, and for some years after his death the income derived from it was less than that sum. In the year 1728 the income had risen to 1,368*l.*, and from that time appears to have gradually increased, until, in the year ending the 4th March of 1855, the gross revenue amounted to upwards of 8,600*l.*

A further progressive increase of income may be expected, as the building leases which have been already granted of portions of the college estate shall fall in; and owing to the vicinity of the Crystal Palace, and the increasing demand for land for building purposes, there is reason to believe that the value of the college property at Dulwich will continue further to improve. This, however, must at present be regarded as a matter of speculation, upon which but little reliance can be prudently placed in estimating the income of the Charity for any immediate purpose.

The 113th and 117th statutes, fixing the proportions of income to be received by the several members of the establishment, allotted certain specified shares to the six chaunters and thirty out-members, who were unsuccessfully attempted to be added to the original corporation. These shares, having failed to take effect, are carried over annually in the accounts as part of the disposable income to be divided in the ensuing year.

The decisions already referred to render it impossible to say that this mode of distribution is otherwise than strictly legal, although the expressed intentions of the founder have been undoubtedly frustrated by it to some extent.

The college itself is a large building, forming three sides of a square. It contains a chapel, dining hall, and library, with a kitchen and offices for the use of the members of the college and its establishment.

The chapel is a consecrated building, and is used as the place of public worship for the inhabitants of Dulwich, as well as for the members of the college.

It has been the practice for the clerical fellows to perform ecclesiastical duties in the college as well as in the hamlet of Dulwich.

A portion of the building is appropriated for the twelve poor scholars, and contains a school room, dining hall, and dormitories. There is also a garden containing about three acres.

The establishment of the college consists of the master, warden, four fellows, six poor brethren, six poor sisters, and twelve poor scholars, as directed by the original foundation.

The duties of the master and warden are prescribed by the 30th, 31st, and 32d statutes, and consist mainly in the supervision and management of the college and its property, the warden having the charge of the current expenditure of the establishment.

The duties of the fellows are prescribed by the 33d, 34th, and 35th statutes. According to the usage for many years, the first fellow performs the duty of preacher, and assumes to a great extent the spiritual care of the hamlet of Dulwich. The second fellow acts as schoolmaster to the poor scholars; the third fellow as usher to the same school, and the fourth as organist. The second and third fellows also read prayers alternately in the chapel daily.

The master, warden, and fellows are bound to reside in the college, and they cannot marry without incurring the forfeiture of their respective offices.

The amounts of the money payments received by the master, warden, and fellows of the college in respect of their statutory proportions of the income for the year ending the 4th of March, 1854, were as follows:—

	£	s.	d.
The master - - - - -	640	0	0
„ warden - - - - -	480	0	0
„ first fellow - - - - -	200	0	0
„ second fellow - - - - -	200	0	0
„ third fellow - - - - -	166	0	0
„ fourth fellow - - - - -	165	3	4

The further allowances and advantages to which the master, warden, and fellows are respectively entitled for their table, apartments, firing, candles, and attendance, and the keep of horses, are estimated by them to amount in yearly value to the following sums, namely:—

	£	s.	d.
The master - - - - -	375	0	0
„ warden - - - - -	375	0	0
Each of the four fellows - - - - -	300	0	0

The directions contained in the 10th, 11th, and 12th statutes with regard to the mode of electing the poor brethren and sisters from the three parishes of Saint Botolph, Saint Saviour, and Saint Giles, appear to have been substantially adhered to. The number of five men and five women in Alleyne's Almshouses in each of the three parishes has been usually kept up; and when a vacancy for a poor brother or sister occurs, the men or women occupying the almshouses of the parish from which the selection is to be made are brought to Dulwich, and from these the master and warden choose two persons, who then draw lots for the appointment. It has been usual of late years to require an engagement from these two persons, to the effect that the successful candidate shall pay an annual sum, varying from 30*l.* to 50*l.*, either to the unsuccessful candidate or to all the inmates remaining in the local almshouse. These pledges, the legality of which may be very questionable, have been fulfilled with more or less good faith.

The poor brethren and sisters appointed from the parish of Camberwell have been always chosen by the master, warden, and fellows according to the twenty-fourth statute

and have been taken almost invariably from the hamlet of Dulwich, which is a portion of the parish, and most generally from amongst the servants of the college.

The share of income appropriated to each poor brother and sister, in accordance with the statutes, may be estimated at the annual sum of 140*l.* or thereabouts, which is distributed to them in monthly payments. And in addition to that sum an allowance is made to each poor brother and sister for clothing, diet, and fuel, which may be estimated at the further annual sum of about 15*l.*

The 7th, 9th, 23d, and 24th statutes prescribe the qualifications and mode of electing the twelve poor scholars, who are directed to be taken in equal proportions from the parishes of St. Botolph, Saint Saviour, Saint Luke, and Camberwell. Upon the occurrence of a vacancy for any of the three former parishes, four boys are selected and sent to Dulwich by the parish officers, and from these four the master and warden select two, between whom the choice is ultimately determined by lot, as directed by the 23d statute.

The poor scholars from Camberwell are chosen by the master, warden, and fellows, as directed by the 24th statute.

Much dissatisfaction has prevailed in the parishes as to the results of the education provided by the college for the poor scholars. In fact, there appears to be no instance of a scholar having been sent to either of the universities since the year 1770, although it was undoubtedly the intention of the founder to provide such an education for the poor scholars as would fit them for the universities and the liberal professions.

In the year 1847, a memorial was presented by the assistants to the Archbishop of Canterbury, as visitor of the college, complaining of the deficiencies of the education given to the poor scholars; and the matter of the complaint having been argued before the Archbishop and his assessors, his Grace issued his injunction to the college in August 1851, directing that a system of extended education should be afforded to the poor scholars at the expense of the Charity, and that provision should be made for one or more of the scholars being sent to the university.

The want of success which has hitherto attended the educational branch of the college may be sufficiently accounted for by the circumscribed character and other inherent defects of the foundation, without imputing any neglect of duty to the authorities of the college in promoting the education of the poor scholars; and we consider that no substantial or permanent improvement can be expected without a thorough and judicious revision of the principles upon which the school has hitherto been conducted.

The poor scholars, in addition to their instruction and lodging, are provided with food and other necessaries at the cost of the college; and the sum of 155*l.* is usually laid out by the college in apprenticing and otherwise for the benefit of each scholar, upon his leaving the school, the term of apprenticeship being ordinarily seven years.

The position and administration of the college having been brought under the notice of our Board by the assistants of the parish of St. Saviour in the month of March 1854, we caused an inquiry to be made into the whole of the circumstances by one of our inspectors, who proceeded with the investigation at Dulwich at various intervals during the months of June, July, and August in that year.

In the result of that inquiry, and of information otherwise obtained, and after frequent communication with the representatives of the parishes principally interested in the college, and others, we have been enabled to prepare a scheme for the re-constitution of this important charity, having for its object a large extension of its benefits, without departing to any unnecessary extent from the objects originally contemplated by the founder.

We thought it right, at an early period, to submit the heads of the proposed scheme to the Archbishop of Canterbury, as visitor of the college, for his consideration; but beyond the intimation of a wish that his title of visitor should be retained, his Grace has not expressed any opinion upon the provisions of the scheme.

It is due to the members of the college to state, that they have throughout met our inquiries and suggestions with much candour and fairness. It having been intimated to them that their retirement was considered by us to be essential to the effective re-organization of the charity, they at once acquiesced in the propriety of not allowing their position in the college to be an obstacle to any remedial measures which we might think it our duty to propose, and consented to relinquish their several offices, upon having secured to them for their lives, out of the funds of the charity, a provision equivalent to the money payments and other advantages to which they are now respectively entitled.

It appeared to us, that the vested rights of the members of the college in their present emoluments should be respected in the preparation of any new scheme, and we have thought it advisable to assent to an arrangement for their retirement upon the above terms.

The amount of the annual payments claimed by the master, warden, and fellows, in accordance with this arrangement, has been objected to on the part of the interested parishes as excessive.

The value of their emoluments has been accepted from them upon their own statement; and it is to be borne in mind, that the members of the college will forego the benefit of

any prospective increase of the rental of the charity, as well as many advantages, which can scarcely be estimated by a money value.

In framing the new scheme, the preference given by the founder in favor of the four parishes designated in his foundation has been substantially retained. It has appeared to us that in the present instance there is no sufficient reason for departing from the founder's expressed intention in this respect. The population of the four parishes, to which this preference has been given, amounted according to the Census of 1851 to the following numbers:—

St. Saviour's	-	-	-	-	-	35,731
St. Botolph	-	-	-	-	-	12,499
St. Luke	-	-	-	-	-	54,055
Camberwell	-	-	-	-	-	54,667

Making an aggregate population of - 156,952 souls.

and there can be but little doubt, but that the whole benefits of the charity may be exhausted within the area of these parishes without seeking for objects elsewhere.

The preference given by the founder to the hamlet of Dulwich over the rest of the parish of Camberwell is still retained, with the addition of such safeguards as may prevent abuse.

The constitution and composition of the body of governors has been made the subject of various counter proposals and suggestions. We have not thought it advisable to accede to a claim which was put forward on behalf of the parishes, to have a larger representation of each parish in the trust. It appears to us that the Charity will be best administered by an independent body of governors, who will not be generally subject to the influence of rival local or parochial interests, and that not more than one governor should necessarily be selected from each parish and from the hamlet of Dulwich.

The duties of management performed by the present corporation are committed to the body of governors created by the scheme, and we thought it inexpedient that the master, or any officer of the establishment, should be retained as a member of the governing body, to which he is made responsible for the efficient discharge of his duties under the scheme. In this view of the case, the retention of the existing corporation becomes superfluous, and its dissolution is accordingly proposed by the scheme. This, however, has been made the subject of objection by certain inhabitants of Dulwich, who consider that the corporation should be retained.

The local situation of Dulwich and Camberwell must always ensure to their inhabitants a larger share of the benefit of the day schools established by the scheme than can be derived from the schools by the London parishes. We have, therefore, thought it equitable to compensate the latter three parishes, by assigning to them a double number of foundation scholars, who are to be received and maintained at the lower school. The extent of this compensation has been objected to on behalf of the inhabitants of Dulwich and Camberwell; but the principle of the distinction being admitted, we do not perceive how a more equitable adjustment of the proportions could be made.

An objection has been made by the interested parishes, to the effect that an undue proportion of the funds is assigned by the scheme to educational purposes, as distinguished from what is termed the eleemosynary branch of the Charity.

This objection proceeds upon the supposed intentions of the founder, that at least one third of his Charity should be applied for the purposes of eleemosynary relief to the poor; but upon reference to the 113th and 117th statutes, it will be found, that, including the shares attempted to be given to the 30 out-members, 169 shares only out of 600 (being considerably less than one third) were devoted by the founder to the eleemosynary branch of the Charity, and excluding those 30 members, the eleemosynary proportion consisted of only 115 shares out of 600, or less than one fourth. The proportions adopted in the scheme of one fourth to the eleemosynary branch, and three fourths to the educational branch of the Charity, have appeared to us to be beneficial as well as consistent with the original trusts.

At a very late period of the proceedings, and after the time limited for forwarding objections to the scheme had expired, a statement was submitted to us on the part of the inmates of the almshouses established by Edward Alleyn in the parishes of Saint Botolph and Saint Saviour, objecting to the omission from the scheme of any provision for securing the selection of the poor brethren and sisters from the occupants of those almshouses. The inmates of these almshouses are not excluded by the scheme from being selected for presentation to Dulwich, if otherwise properly qualified for appointment; but it appears to us to be very desirable that the advantages of the asylum, to be provided at the college, should be reserved for persons in reduced circumstances, and others of a class above that of mere paupers.

A claim has also been adduced on the part of the parish of Christchurch, Surrey, to be entitled equally with the parish of Saint Saviour, Southwark, to participate in the advantages of the Dulwich Charity, on the ground that the former parish, at the period of Alleyn's foundation, formed part of the parish of Saint Saviour, from which it was severed by an Act of Parliament in the reign of Charles II.

There is no evidence of such a claim having been ever previously made by the parish of Christchurch; and independently of the objection arising from its having been allowed to fall into desuetude, the claim was brought under our notice at a very late period of the proceedings, and then not in an official or tangible form. This allusion to it will probably be sufficient.

Another claim has been made to a distinctive share in the benefits of the Charity, which commends itself to our sympathy, as well from its own nature as from the moderation with which it has been put forward.

It is well known that Edward Alleyn, the founder of Dulwich College, followed the profession of an actor, and the bulk of the property devoted by him to charity had probably been acquired through his professional exertions.

Under these circumstances a memorial, very numerously signed by members of the dramatic profession, has been presented to our Board, representing the justice of devoting some portion of Alleyn's Charity to the relief of indigent members of his profession, and suggesting that one actor and actress should be admitted as in-door pensioners, and one actor and actress as out-pensioners, under the new scheme; and that four children of actors and actresses should be placed on the foundations of each of the two schools to be established by the scheme.

It is not alleged that the founder expressed any wish that the members of his own profession should derive any benefit from his Charity, and we are unable to see upon what principle this claim can now be legally recognised. However, the suggestion was brought forward at so late a period, that we had no opportunity of considering it in framing our scheme, and we can do no more than make this reference to it in our Report.

Independently of the original foundation created by Edward Alleyn, the following endowments, for other charitable purposes, have also been vested in the corporation of the college at Dulwich, or in its members in their official character.

The Picture Gallery Endowment.

Sir Peter Francis Bourgeois, by his will, dated the 20th December, 1810, gave his collection of pictures, prints, and ornaments, with certain furniture and other articles, to the master, warden, and fellows of Dulwich College for the time being, and their successors for ever; and he expressed his will and desire that the same might be there kept and preserved for the inspection of the public upon such terms, pecuniary or otherwise, and at such times as the master, warden, and fellows of the college for the time being might think proper; and he bequeathed the sum of 10,000*l.* sterling to be invested in the names of the master, warden, and fellows of the said college, in trust, to provide all such officers and servants as might be required for the proper maintenance and preservation of the collection of pictures and other effects.

The testator also gave to the master, warden, and fellows of the said college, or their successors, the further sum of 2,000*l.* sterling for the repairing, improving, and beautifying the west wing and gallery of the said college for the reception of the said pictures, furniture, and other effects therein-before mentioned.

The 2,000*l.* was laid out, together with other sums, in building the gallery contiguous to and forming part of the college, in which the pictures are now deposited. This legacy of 10,000*l.*, together with a sum of 500*l.*, which was left by the will of the late Margaret Desenfans, dated 19th April 1813 (for the purpose of providing an entertainment for the President and Academicians of the Royal Academy of Arts, on St. Luke's Day, on their annual visit to Dulwich College, to see that the collection of pictures is properly preserved), has been invested in the purchase of the sum of 17,000*l.* consols, which is now standing in the names of George John Allen, Richard William Allen, Reverend Charles Howes, and Reverend William Fellows. A leasehold house in Charlotte Street, Portland Road, producing a net annual rent of about 11*l.*, also belongs to this endowment. The said Margaret Desenfans also gave by her will to the said master, warden, and fellows, certain plate and other articles, to be used for the purpose of the entertainment aforesaid, and also certain statues and furniture to be kept in the picture gallery.

The total income of the picture gallery endowment amounts to about 500*l.*, and the expenses for the year 1854 were as follows:

	£	s.	d.
Mr. Bartlett (carpenter), for repairs	-	-	16 11 9
Mr. Denning (curator)	-	-	210 0 0
Mr. Bonham (porter)	-	-	80 0 0
Mrs. Carter (pensioner)	-	-	30 0 0
Royal Academy dinner	-	-	54 9 9
Wine, &c.	-	-	26 0 0
Rent of Bonham's cottage	-	-	36 0 0
Liveries	-	-	11 13 0
Coke, &c.	-	-	12 3 6
Taxes and sundries	-	-	12 10 0
			489 17 0

Lady Falkland's Gift.

Sarah Viscountess Falkland, by her will, dated 24th May 1776, gave 300*l.* to the master and warden of Dulwich College, in trust, to invest the same in real or parliamentary securities, and pay the interest thereof to the poor brethren and sisters of the college on every Christmas Day.

This legacy is now represented by the sum of 424*l.* 5*s.* 6*d.* Three Pounds per Cent. Reduced Annuities, standing in the names of George John Allen, Richard William Allen, Reverend Charles Howes, and Reverend William Fellows, and produces 12*l.* 14*s.* per annum, which is distributed in accordance with the directions of the will.

Whitfield's Gift.

John Whitfield, Esquire, by his will, dated the 24th of April 1826, bequeathed unto the master and warden of the College of God's Gift, in Dulwich, for the time being, the sum of 666*l.* 13*s.* 4*d.* Three Pounds per Cent. Reduced Annuities, upon trust, to lay out the interest thereof annually in bread and potatoes, or other necessities, for the benefit of twenty poor widows of the hamlet of Dulwich.

The above sum of 666*l.* 13*s.* 4*d.*, Reduced Annuities, is now standing in the names of George John Allen, and Richard William Allen, the present master and warden, in trust for the above-mentioned charitable purposes.

Dulwich Free School.

By indenture, dated 31st August 1741, James Allen, Esquire, conveyed to the master, warden, fellows, poor brethren and sisters, and poor scholars of the College of God's Gift in Dulwich, and their successors, certain pieces of ground in the parish of Kensington, to the intent that they and their successors should for ever apply the rents (except 5*l.* to the master for his own use, as a compensation for his trouble, and 1*l.* 6*s.* for a treat to the tenants on paying their rent,) towards finding and providing a schoolmistress or mistresses, to be resident in Dulwich, for the instructing of so many poor boys to read, and so many poor girls to read and sew, as to the master should seem meet, such boys and girls to be children of poor people residents and commorants in the town of Dulwich aforesaid, or within one mile thereof.

The estate belonging to this charity consists of several houses at Kensington, let at annual rents amounting in all to 206*l.* 10*s.*

There is also a sum of 100*l.* Three Pounds per Cent. Annuities belonging to this Charity, and now standing in the name of George John Allen.

Since the establishment of the College Grammar School, this charity has been exclusively appropriated to the maintenance of a girls' school, which is conducted in a house provided by the college, rent free, and the surplus rents of the estate, after paying the teacher's salary, have been retained with a view to building a school-house on a site to be provided by the college; and with the same view the master has not drawn his allowance of 5*l.* per annum during the last eleven years. The surplus rents so retained amounted, at the time of our inspector's recent inquiry, to 623*l.* 0*s.* 1*d.*

Under the above circumstances, we have proceeded to approve of the following scheme for the future application and management of this charity in the manner directed by our Act, and we have endeavoured to explain, in the foregoing statement, the nature of the various objections which have been made to the scheme, and the mode in which those objections have been dealt with by our Board.

The scheme, as provisionally approved by our Board, is as follows:—

SCHEME for the Application and Management of the Charity called the
COLLEGE of GOD'S GIFT, in Dulwich, in the County of Surrey.

GENERAL PROVISIONS.

1. The existing incorporation of the above mentioned Charity, by the name of the College of God's Gift, in Dulwich, or by any other name, shall be dissolved; and the several offices and places of the master, warden, and fellows, brothers, and sisters of the said college shall be abolished from and after the 31st December 1856, and no new appointment shall be made to any office or place in or under the Charity according to its present constitution, after the establishment of this scheme.

2. The Charity, as reconstituted by this scheme, shall be called "Alleyn's College of God's Gift, at Dulwich;" and the Archbishop of Canterbury, and his successors, shall continue to be the visitors of the Charity, with the same authorities, rights, and privileges, as heretofore, so far as the same shall not be inconsistent with this scheme.

3. There shall be fifteen governors of the Charity, who shall be called "The Governors of Alleyn's College, at Dulwich," and who shall have the control and management of the

Present corporation dissolved.

Archbishop of Canterbury to continue visitor.

Governors.

Charity, and the estates and property thereof from and after the said 31st day of December 1856. Four of such governors, herein-after called "The Elective Governors," shall be elected; and the remaining eleven, or non-elective governors, shall be appointed as herein-after provided.

4. One of the said elective governors for the time being shall always be elected by the vestry of each of the parishes of Saint Botolph Without Bishopsgate, Saint Saviour, Southwark, Saint Luke, Middlesex, and Saint Giles, Camberwell, respectively; and the first election shall be made before the expiration of the month of November 1856. And every subsequent election shall be made by the vestry entitled to elect within three calendar months next after the occurrence of the vacancy requiring to be filled. Every elective governor shall be elected to hold office for a period of seven years, and shall be re-eligible at or subsequently to the determination of such period. Elective governors.

5. The non-elective governors shall be appointed by the Court of Chancery, upon application to be made to the same Court by Her Majesty's Attorney General, either by petition or by summons, before one of the judges of the said Court sitting at chambers. And the first appointment of non-elective governors shall be made as soon as conveniently may be after the establishment of this scheme; and whenever the number of non-elective governors for the time being shall be reduced by the occurrence of vacancies to eight, three suitable persons shall be appointed by the said Court, upon such application as aforesaid, so as to make up the full number of eleven non-elective governors. Non-elective governors.

One of the non-elective governors to be appointed by the Court of Chancery shall be a resident inhabitant of the township or hamlet of Dulwich, and shall be distinguished in his appointment as the "Dulwich Governor." And upon any vacancy in the office of the "Dulwich Governor" for the time being, some other resident inhabitant of the same township or hamlet shall be appointed by the said court to succeed to such vacancy, whether the number of non-elective governors shall then have become reduced to eight or not; but nothing herein contained shall be construed as restraining the appointment of a larger number of non-elective governors from among residents in the said township or hamlet.

6. Death, resignation, bankruptcy, insolvency, residence out of England, refusal or incapacity to act, or neglect to attend any meeting of the governors for one year, shall respectively create a vacancy in the office of governor. Vacancy in office of governor.

7. All the real estate, of whatsoever tenure, and rights, and privileges, vested in or held in trust for the said college, or any of the members thereof, as such (subject to the subsisting leases and charges, if any, thereof), and the full benefit of all subsisting covenants, conditions, and securities, made, or entered into, with, or reserved to the said college, or any person or persons in trust for the same college, and all the personal estate belonging to or held in trust for the said college, or any of the members thereof as such, and the right to sue for and recover all choses in action recoverable for the benefit of the college, or any such member as aforesaid shall, from and after the said 31st day of December 1856, be vested in the said governors, and shall from time to time thereafter vest, and continue vested in the governors of Alleyn's College at Dulwich for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance; and the right to sue upon or enforce all or any covenants, conditions, or securities made, reserved, or contracted to or with the said college before its dissolution, or to or with any preceding governors of the said Charity for the benefit thereof, shall be exercisable by and in the names of the governors for the time being, as fully and effectually as the same right might be exercised by such college, if not dissolved, or by such preceding governors, if still retaining their office; and in the same manner all contracts and liabilities of the said college before its dissolution, or of any preceding governors for the time being of the Charity, may be enforced against the governors thereof, for the time being, to the extent of the property or assets of the Charity, but not against their private estates. Charity estates to be vested in governors for the time being.

8. Leases, and other deeds and instruments for the letting or disposition of the Charity estate, or any part thereof, may be executed and made by any five of the governors for the time being on behalf and as the act of the whole of them, according to any order of the governors of the said Charity, made at any regular meeting of their body, and shall have the same effect as if executed by all the said governors; and the recital of any such order, contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be *primâ facie* evidence thereof upon any proceedings to which the parties to the same lease or instrument, or their respective successors in title, representatives, or assigns, shall be parties or a party. Execution of leases and other instruments.

9. The governors may from time to time appoint any four persons of their number to be a stock committee, into whose names all stock belonging to the Charity may from time to time be transferred, and the dividends on all such stock shall be disposable by the governors for the time being as part of the general income of the Charity. All or any sums of stock belonging to the Charity may also be transferred into the name of "The Stock committee.

Official Trustees of Charitable Funds," in trust for the Charity under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855."

Transfer of the administration of Charity and its funds to governors.

10. The Charity shall continue to be managed and administered by the present governing body of the College until the said 31st day of December 1856 inclusive. And the accounts of the Charity shall be made up and finally balanced to that day. And there shall be paid to the master, warden, fellows, and poor brethren and sisters of the College respectively out of the current year's income, a due proportion of the several annual or other payments to which they are respectively entitled under the present system of administration, to be calculated from the then last preceding day of payment up to the said 31st day of December 1856. And any surplus or balance of income which shall remain to the credit of the Charity, after providing for and satisfying such proportion of the said several annual payments, and the requisite or proper expenses attending the management and administration of the Charity up to that time, and all trust funds held by the college, or by any of its members as such, in trust for any other charitable purposes, shall be paid and transferred on that day unto the governors to be appointed as provided by this scheme, or as they may direct.

Allowances to present members of college.

11. There shall be paid by the Governors to the present master, warden, fellows, and poor brethren and sisters of the college respectively, or to such of them as shall be living on the said 31st day of December 1856, during their respective lives, out of the income of the Charity in lieu and full satisfaction of all present and future allowances, rights, and emoluments, the following annual sums; that is to say,—

To the master, the sum of	-	-	-	-	£1,015
To the warden	-	-	-	-	855
To the first and second fellows respectively	-	-	-	-	500
To the third and fourth fellows respectively	-	-	-	-	466
To each of the poor brethren and sisters	-	-	-	-	150

The said allowances or annual sums respectively shall commence from the said 31st day of December 1856, and shall be payable half-yearly, except the allowances to the poor brethren and sisters, which shall be paid monthly, or at such other periods as the governors may think fit, and shall be apportionable in cases of the death of any of the said recipients before or in the interval between any of the said half-yearly payments.

The allowance or annual sum payable to the warden shall, in the event of his surviving the master, be increased to 1,015*l*. from the day of the master's decease; but the whole of the said allowances or annual sums shall abate in proportion in case and so often as the clear income of the Charity, after paying and providing for all necessary or proper outgoings and expenses of management, as well as the several payments and expenses directed or authorized by this scheme for the benefit or maintenance of the present poor scholars, and the college grammar school, and the servants and others attached to the present establishment shall in any year or years prove insufficient to pay the same allowances or annual sums in full.

Performance of divine service until appointment of chaplain.

12. Until the appointment of a chaplain as herein-after provided, the present first and other fellows of the said college shall respectively continue as heretofore to perform or provide for the performance of divine service in the chapel of the college, or in some other building to be appointed by the governors for that purpose, and to discharge the other spiritual duties heretofore and of right discharged by them respectively. But save, as aforesaid, the said master, warden, and fellows respectively shall from and after the said 31st day of December 1856 be exonerated from all obligation of residence in the said college, or the performance of any duties with respect to the Charity, and from all restriction against their respective marriages.

Present poor scholars to receive instructions and other benefits as heretofore.

13. Until the establishment of a school in which the existing poor scholars shall be received and instructed, as contemplated by this scheme, and subject to the provisions herein contained, such poor scholars shall receive and enjoy the same instruction, maintenance, and other benefits, and shall also be entitled to the same apprenticeships and exhibitions to be respectively provided and paid out of the general income of the Charity, as such scholars respectively would have been entitled to receive and enjoy, if this scheme had not been established.

Provision as to college grammar school.

14. Subject to the provisions of this scheme, and until the governors shall otherwise direct, the college grammar school may continue to be carried on as heretofore in the buildings hitherto used for such school; and the several stipends, allowances, and other payments which have been heretofore paid and allowed out of the income of the Charity for the purposes of such school may continue to be paid and allowed as heretofore. And upon the discontinuance of the said school the governors may, if they so think fit, pay to the master thereof, out of the general income of the Charity, such a reasonable gratuity or pension in consideration of his services, as they may consider proper and expedient.

Present servants and attendants may be pensioned.

15. The servants and attendants now employed in the college, upon their respective services being dispensed with in consequence of the provisions of this scheme, may respectively have any reasonable pensions or gratuities paid to them by the governors out

of the income of the Charity, in such manner and subject to such conditions as the said governors shall think fit.

16. All pensions and exhibitions, at present properly payable out of the income of the Charity, shall continue to be paid to the present recipients thereof respectively during the tenure of their respective appointments, subject to the provisions of this scheme, and to the same rules and conditions as are now subsisting, and applicable to the same respectively. Present pensions and exhibitions to be continued.

17. The governors may appoint a clerk and a receiver (who respectively shall be removable by them at their pleasure), or they may grant the offices of clerk and receiver to one person, and they may pay to the holder of each such office, out of the income of the Charity, any reasonable stipend or allowance as a remuneration for his services. Every receiver shall, before entering upon his office, give such security for the due performance of the duties thereof as the governors shall direct. Clerk and receiver.

18. It shall be the duty of the clerk, subject to the control and direction of the governors, to give notices of and to attend all meetings of the governors, or committees of the governors, to enter and keep minutes of the proceedings at all such meetings, to keep the accounts, and to pay the bills of the Charity, to prepare and make out such statements of account relating to the Charity as the governors shall from time to time require, and to perform all such other duties appertaining to the office of clerk of the Charity as the governors shall reasonably direct. Duties of clerk.

19. The receiver, subject to the control and direction of the governors, shall exercise a general supervision over the Charity estates and property, and the lessees thereof, and shall collect and receive the rents and income, and shall submit to the governors so often and at such times as shall be directed by them, a report as to the state and condition of the Charity estates, and also full and particular accounts of all rents, income, and monies collected or received on account of the Charity, and of all arrears due of such rents or income; and shall perform all such other duties appertaining to the office of receiver, in respect of the Charity and its property, as the governors shall reasonably direct. And unless the governors shall otherwise direct, all rents and incomes to be received by the receiver on account of the Charity shall, immediately upon the receipt thereof, be paid over by him to the bankers of the Charity to the credit of the Charity account. Duties of receiver.

20. There shall not be less than four meetings of the governors in every year, and such meetings shall be held on the Thursday fortnight after Lady Day, Midsummer Day, Michaelmas Day, and Christmas Day respectively, or upon such other days, being respectively, within thirty days next after the said quarterly days as shall have been appointed by the governors at any preceding meeting, and the said governors shall have power to appoint all such other meetings as they shall think necessary. All meetings shall be held at the college, and at the hour of noon, unless the governors shall fix some other convenient place in Dulwich, and some other convenient hour for holding the next or any other meeting. There shall also be a first general meeting of the governors, for the general purposes and business of the Charity, on the first day of January 1857. General meetings.

21. Any three or more governors may require the clerk to convene a special meeting of the governors for any special object to be mentioned in such requisition; and the clerk shall thereupon give notice to each governor of the holding of such meeting, specifying the time, place, and object thereof. And no business shall be transacted at any special meeting, which shall not be specified or sufficiently indicated in the notice. Special meetings.

22. Notice shall be given by the clerk to every governor, seven clear days at the least previously to a general meeting, and fourteen clear days at the least previously to a special meeting; and notice of every adjourned meeting, so far as the interval between the original and adjourned meetings will permit, shall be given in like manner immediately after the adjournment to all governors not present thereat, and every notice shall specify the place and the day and hour appointed for holding the meeting. All notices required to be given to any governor shall be in writing delivered to him, or sent by the post or otherwise, to his usual place of residence. Notice of meetings.

23. There shall be a permanent chairman of the governors, who, whenever present, shall preside as chairman at all meetings of the governors, and who shall hold office until he shall cease to be a governor, or shall resign, or be removed from being such chairman by a resolution passed at any special meeting of the governors to be convened for that purpose. The first permanent chairman shall be elected by the governors at their first meeting; and every subsequent permanent chairman shall be elected at some special meeting of the governors, to be held upon due notice after an interval of not less than twenty-eight days after the vacancy of the office. Permanent chairman.

24. Five governors shall form a quorum at any meeting; and so soon after the time fixed for the holding of any meeting as a sufficient number of governors shall be present to form a quorum, in case the permanent chairman shall be absent, the governors then present shall proceed to elect a deputy chairman, who, when so elected, shall preside as the chairman at such meeting. Quorum of governors at meetings.

Resolutions of the majority to be binding.

25. The resolutions and proceedings of a majority of the governors present at any meeting shall be binding on the whole body; and no resolution and proceeding shall be subsequently revoked or altered, except at a special meeting duly convened upon notice for that purpose. The chairman presiding at any meeting shall, in the event of an equality of votes, have in addition to his original vote a second or casting vote.

Adjournment of meetings.

26. If after the space of one hour from the time appointed for holding any meeting, a sufficient number of governors shall not be in attendance to form a quorum, the permanent chairman, or in his absence any governor then present, or the clerk if no governor be present, may adjourn the meeting to a subsequent day, not less than seven days distant. Any meeting may also be adjourned at any time by the chairman thereof upon a resolution for adjournment being adopted at such meeting.

Appointment of a committee.

27. The governors may at any time appoint three or more of their body to be a committee for the purpose of making any inquiry or superintending, or performing any specific acts or duties which in their judgment may be more conveniently referred to or delegated to such committee. The acts and proceedings of every such committee shall be reported to the governors from time to time at their next meeting.

Minutes of proceedings.

28. The governors shall provide and keep minute books, wherein shall be entered the names of the governors attending each meeting, and minutes of all proceedings thereat, and of all other transactions of the governors relating to the Charity. The minutes of the proceedings at each meeting shall be signed by the chairman of the meeting, and countersigned by the clerk.

Accounts.

29. The governors shall provide and cause to be kept proper account books, wherein shall be regularly entered and kept full accounts of all receipts and payments on behalf of the Charity, and such other particulars as the governors shall direct to be entered therein. All such accounts, and all accounts of the clerk and receiver or other agents of the governors, shall be examined, vouched, and audited half-yearly at the first general meeting after Midsummer Day and Christmas Day in every year, or at some adjournment of such meetings respectively, by one or more auditors, to be appointed for that purpose by the governors, and shall be signed by the chairman and two at least of the governors present at such meeting; and a statement or sufficient abstract of such accounts, together with a statement giving the number of the boys of each description at the respective schools, and the number of exhibitioners, and the other recipients of the Charity, shall be printed and delivered annually to each governor, and to the vestry clerk of each of the said four parishes, and to such other persons as the governors shall think fit.

Bankers.

30. The governors shall from time to time appoint and employ bankers to the Charity, or for the purposes thereof; and all payments of money on account of the Charity shall be made, as far as practicable, by means of cheques or orders drawn on such bankers, to be signed at some meeting of the governors by the chairman thereof, and by one at least of the governors present thereat, and to be countersigned by the clerk.

Provision for payment of current expenses.

31. Such monies nevertheless as may from time to time be required for payment of the current expenses of the Charity, may be paid or advanced by the governors for that purpose to such officer of the Charity, and in such manner as they may consider expedient; and every such officer shall render to the governors, or as they shall direct, full and exact accounts of all such monies received or expended by him.

Custody of documents.

32. The governors shall provide some suitable room or place of deposit in the college, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the Charity, with proper lists or schedules thereof; and the contents of such room or place shall be examined by or under the direction of the governors at least once in each year; and such room or place shall be kept locked, and the keys thereof shall be kept in such secure custody, and under such regulations, as the governors shall from time to time prescribe.

Library.

33. The governors shall make suitable provision for the preservation and custody of the library belonging to the college, and shall appropriate annually, out of the income of the Charity, any sum not exceeding 70*l.* for binding, and the purchase of books; and subject to the superior authority and directions of the governors, the master of the college shall have the immediate charge and management of the library, and may establish suitable regulations for access thereto, and for the use of the books by the masters and boys of either school herein-after mentioned, and the officers and members of the establishment, and other persons generally for the management thereof.

Master.

34. The head master for the time being of the upper school herein-after constituted, shall be styled "The Master of Alleyn's College of God's Gift at Dulwich," and shall have the general superintendence and control of the establishment of the Charity, as constituted or contemplated by this scheme, subject to the superior authority and direction of the governors, to whom he shall be responsible for the conduct and discipline of the same.

Chaplain.

35. There shall be one chaplain, to be styled "The Chaplain of Alleyn's College of God's Gift at Dulwich," who shall be a duly qualified person in priests orders of the

established church. The chaplain shall be appointed by the governors, who shall also have the power of removing him for neglect of duty, or other sufficient cause. The first appointment of a chaplain shall be made as soon as conveniently may be after the said 31st day of December 1856, and not later than the first general meeting to be held next after the 25th day of March 1857.

36. A suitable residence shall be erected or appropriated, and provided by the governors at the expense of the Charity for the use of the chaplain, and such residence shall be occupied by the chaplain for the time being and his family rent free, and shall be kept in substantial repair, and all rates and taxes thereon paid by the governors out of the general income of the Charity, and the chaplain shall reside in his official residence rent free, and shall not underlet or part with possession of the same, or any part thereof, and he shall not absent himself from residence without the permission of the governors or of the master of the college acting under their authority. Chaplain's residence.

37. The chaplain shall perform divine service in the chapel attached to the college upon Sundays, and on such other days and at such time as the governors or the master of the college, with their sanction, shall from time to time direct, and he shall discharge such spiritual duties for the benefit of the several objects of the Charity, as established by this scheme, and the several persons for the time being belonging or attached thereto, as the governors or the master with their sanction shall authorize and direct, and also so far as may be lawful and convenient, all such spiritual duties for the benefit of the township or hamlet of Dulwich and the inhabitants thereof respectively, as have been heretofore commonly performed by the first or other fellows of the college. Duties of chaplain.

38. In case an ecclesiastical district comprising the said township or hamlet of Dulwich shall hereafter be legally created, the chaplain, with the consent of the governors of the said Charity, may become the incumbent or minister of such district, subject and without prejudice to the performance of his duties under this scheme. Provision for annexation of ecclesiastical district to chaplaincy.

39. The governors shall pay to the chaplain out of the general income of the Charity by equal half-yearly payments a clear annual stipend not exceeding 250*l.* and not less than 200*l.* Chaplain's stipend.

40. There shall be an organist for the purposes of the Charity, who shall be appointed by the governors and shall be removable by them at pleasure, and who shall be paid such a reasonable annual salary out of the income of the Charity as the governors shall appoint, and the duty of the organist shall be subject to the control and direction of the master and the governors, to play the organ and generally to superintend the musical part of the services in the college chapel, and to instruct the boys at the schools herein-after constituted, or such of them as may be selected for that purpose by the master in vocal music and choral singing. The governors may, if they so think fit, provide an official residence for the organist rent free out of the funds of the Charity. Organist.

41. The present chapel of the college shall continue to be appropriated and used as a place of divine worship for the purposes of the Charity and its establishment, and also for the inhabitants of the township or hamlet of Dulwich, in the same manner and to the same extent as heretofore; and the governors may, if they think fit, require from any persons frequenting the chapel, and not being members of the Charity or its establishment the payment of any reasonable sums by way of pew rent to be applied towards the expenses of such chapel, and the maintenance of the services thereof; provided that no such payment shall be required in respect of any pew or sitting in the chapel which shall have been annexed or appropriated to any house in the township or hamlet of Dulwich under any agreement or resolution of the college during the continuance of the term or period for which such pew or sitting shall have been so annexed or appropriated. In case the present chapel shall at any time hereafter be found insufficient or unsuitable for the purposes of the Charity, a new chapel in a convenient situation for the objects and purposes of the Charity may be erected and fitted up by the governors upon a plan to be approved by the visitor of the college; provided that in the construction of such new chapel arrangements shall be made for affording to the inhabitants of the township or hamlet of Dulwich an equal extent of accommodation at least to that heretofore enjoyed by them in the present chapel of the college, having regard also to the probable or eventual increase of population in the said township or hamlet. Chapel.

42. The funds to be required for erecting, providing, and fitting up the chaplain's residence and the chapel, as contemplated and provided by this scheme may, if necessary, be raised by the governors by way of mortgage under the provisions of "The Charitable Trusts Act, 1853," and "The Charitable Trusts Amendment Act, 1855," upon the security of any of the estates of the Charity. Provision for raising funds for erecting chapel and chaplain's residence

43. Subject to the provisions of this scheme the governors may from time to time prescribe such reasonable rules and regulations as they may think expedient for the internal government and conduct of the Charity and the establishment thereof as contemplated by this scheme, and of all officers and persons for the time being attached thereto or employed therein; and all such rules and regulations shall be observed by the persons affected thereby. Governors may prescribe rules and regulations.

Three fourths of net income to go to educational branch of Charity, and one fourth to eleemosynary branch.

44. The Charity with respect to its objects shall consist of two branches, hereafter respectively called "the Educational" and "the Eleemosynary" branches: and the surplus annual income of the Charity, which shall remain after providing for and paying thereout the expenses of repairs and insurance, and the salaries of the clerk and receiver, and all other requisite or proper outgoings and expenses of management, as well as the stipend of the chaplain and organist, and the several other payments hereinbefore authorized or directed to be made, shall be divided by the governors annually into equal fourth parts; and three of such fourth parts shall be placed by them from time to time to the account of "the educational branch" of the Charity, and (subject to the provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after directed; and the remaining one-fourth part of such surplus income shall be placed by the said governors to the account of the eleemosynary branch of the Charity, and (subject to the said provision next herein-after contained) shall be applied and expended for the purposes thereof as herein-after also directed.

Surplus income of the Charity to be temporarily accumulated.

45. Provided nevertheless that until the available surplus income of the Charity shall be sufficient for accomplishing the whole purposes hereby provided for with respect to the said educational and eleemosynary branches of the Charity respectively, or for bringing the same into active and complete operation, the amount of such surplus income as aforesaid shall be invested by the governors from time to time in the public funds in the name of the stock committee for the time being, and the dividends thereon shall also be received and invested by them in like manner, so as to form an accumulating fund, which shall be ultimately applicable for such or the like purposes, as are hereby declared of the income whence the same shall have arisen, except that if and so far as the governors may from time to time find the income for the time being sufficient for any partial accomplishment of such purposes respectively, it shall be lawful for them, with the sanction of the Board of Charity Commissioners for England and Wales, to apply the same income, or any part thereof, to such partial purposes.

For explanation and modification of this scheme.

46. If any doubt or question shall arise amongst the governors or any of them, as to the proper construction or application of any of the provisions of this scheme or the management of the Charity, application may be made by the governors to the Charity Commissioners for England and Wales for their opinion and advice thereon, which opinion and advice when given shall be binding on the governors; and any provision in this scheme which shall be found inconvenient or objectionable, or which may require to be explained or more closely adapted to the circumstances for the time being of the Charity, may be modified, explained, and adapted accordingly, by an order either of the Court of Chancery or of the Board of Charity Commissioners for England and Wales, to be made upon the application of the governors to the said Court or Board, provided that no alteration shall be made by any such order involving a deviation from the main objects and principles of this scheme.

AS TO THE EDUCATIONAL BRANCH OF THE CHARITY.

Two schools to be established, an upper or classical school, and a lower or English school.

47. There shall be two schools, viz., an "Upper" or "Classical School," and a "Lower" or "English School," which shall be respectively established and maintained in the township or hamlet of Dulwich, out of the proportion of the income and funds of the Charity, applicable to the educational branch thereof, subject and according to the provisions of this scheme.

Upper or classical school.

48. The upper or classical school shall be for the reception and instruction of boys as day scholars and boarders, and may be carried on in the present college buildings, which, for the purposes thereof, may be altered, enlarged, adapted, and fitted up by the governors, or, if necessary, new school buildings with master's residences, playgrounds, and appurtenances may be erected, provided, and fitted up by them, according to any plan which shall be previously approved by the Board of Charity Commissioners for England and Wales.

Head master and under master.

49. There shall be a head master of the said upper school to be styled as aforesaid, "The Master of Allyn's College of God's Gift at Dulwich," and there shall also be an under master of the same school, and such master and under master respectively shall be appointed by the governors.

Qualification of head and under master.

50. The master of the college, and the under master of the upper school, shall respectively be members of the Church of England, and graduates of one of the universities of the United Kingdom duly qualified to discharge the duties contemplated by this scheme, and the governors shall in all cases, previously to appointing any master or under master, advertise for candidates, and require and receive testimonials and other evidence of qualification in such manner as they may deem expedient for securing the services of the most efficient and eligible persons.

Salaries of head master and under master.

51. The governors shall pay by equal half-yearly payments out of the income of the educational branch of the Charity, a fixed annual salary or stipend of 350*l.* to the master of the college, and of 250*l.* to the under master of the upper school, and also in addition to such fixed salaries or stipends, a half-yearly payment or sum of 30*s.* to the

master, and 10s. to the under master for every boy exceeding the number of fifty, who shall have bonâ fide attended the said school for a period of not less than three calendar months during the then preceding half-year, provided that the private pupils (if any) to be taken by the master and under master respectively as herein-after authorized, shall not be reckoned in the aforesaid number of fifty boys, and that the maximum sum to be paid out of the income of the Charity in any year under this provision shall not exceed 500l. for the master and 300l. for the under master.

52. The master of the college with the approbation of the governors, shall be at liberty from time to time to appoint such assistant masters or teachers, and such professors, lecturers, and instructors as may be requisite and proper for the purposes of the school, and every person so appointed shall hold office during the pleasure of the governors, and shall be paid out of the income of the educational branch of the Charity, such a reasonable salary or remuneration as the governors shall appoint. Assistant masters and teachers.

53. All boys between the ages of eight and fifteen years whose parents or next friends shall be inhabitants of any of the said four parishes of Saint Botolph, Saint Saviour, Saint Luke, and Saint Giles Camberwell, being respectively of good character and conduct, and free from any infectious disease, and able to read and write, shall, to the extent of the accommodation afforded by the said upper school be capable of being admitted thereto, either as day scholars or boarders, and of partaking of the benefits and advantages thereof, subject to the provisions of this scheme, and to such rules and regulations as may be prescribed by the governors consistently therewith; but no boy shall remain in the said school after he shall have attained the age of eighteen years, subject to such rules and regulations as aforesaid, and subject to the right of preference in favour of boys from the four parishes aforesaid, it shall be lawful for the governors, if they think it expedient at any time, to order the admission to the said school of boys from other parishes also, provided that the accommodation afforded by the school buildings and the funds of the Charity shall be sufficient for that purpose. Qualifications for admission of boys to upper school.

54. Every application for admission to the upper school, either as a day scholar or boarder, shall be made in writing to the master of the college, in whom the power of admitting or rejecting applicants shall be vested in the first instance, subject to the revision and control of the governors in each case, and such applications shall be made in such form, and shall be accompanied by such testimonials and evidence of qualification as the said master, with the sanction of the governors, shall from time to time require; and registers of the applications for admission, and also of the boys admitted to the school, specifying the respective dates of such applications and admissions respectively, and the residences of the boys, and such other particulars as the governors may direct or sanction, shall be kept by the said master, and shall be accessible to every governor. Applications for admission to upper school.

55. The boys to be received in the upper school as boarders shall be lodged and boarded as herein-after directed in some part of the school buildings, to be provided and fitted up by the governors for that purpose, in accordance with the provisions herein-after contained in that behalf, and the number of boarders shall be determined and fixed by the governors from time to time, as the income and resources of the educational branch of the Charity will permit, and as the governors shall judge expedient; but the number of such boarders for whom accommodation shall be so provided by the governors, in the first instance shall not exceed sixty. Boarders.

56. Each boarder at the upper school shall pay to the governors for his lodging and board (including washing and all other necessary expenses), half-yearly in advance, such a sum as the governors shall consider sufficient to cover the expense of providing such lodging and board, and as shall be fixed by them from time to time, upon taking into account the ascertained and probable amount of such expense, and allowing a reasonable sum for wear and tear of furniture and repairs, and the expenses incident to the support of the boarding establishment, and other contingencies. Payments to be made by boarders.

57. Any of the day boys attending the upper school may, with the consent of the governors, be admitted as day boarders upon the payment of such proportion of the amount required from the full boarders, or such other sums as the governors shall from time to time direct, and subject to such other reasonable regulations as they may prescribe. Day boys may be partially boarded.

58. There shall be so many foundation scholars in the upper school, not exceeding the number of 24 at one time, as shall be fixed and determined from time to time by the governors, having regard to the amount of the income and resources of the educational branch of the Charity and the extent of accommodation afforded by the buildings, and the said foundation scholars shall be appointed in manner herein-after mentioned, and shall hold their respective appointments during such periods and subject to such regulations and conditions as the governors may from time to time prescribe. Foundation scholars at upper school.

59. All boys belonging to any of the four parishes, and not being private pupils of the head master or under master, either from the upper school or the lower school hereafter constituted, between the ages of 12 and 15 years, may offer themselves as candidates for appointment as foundation scholars, subject and according to such regulations as the governors may from time to time prescribe, and the said foundation scholars shall be

elected and appointed by the governors from time to time from the candidates who shall be reported to them by the master of the college to be the most deserving, having regard to the examinations passed by such candidates respectively at the annual examinations herein-after directed to be held of the said schools, and to their respective characters and conduct.

Foundation scholars to be clothed and maintained at the expense of the Charity.

60. Subject to such regulations as shall from time to time be established or approved by the governors, the foundation scholars in the upper school shall during their continuance at the same school be lodged, clothed, educated, and maintained, in all respects, at the entire expense of the Charity, and the governors may if they think fit direct that such scholars shall wear a suitable cap or other mark of distinction. The said foundation scholars shall be lodged and boarded in common with the boarders at the said upper school, and subject to similar regulations in all respects as regards their respective discipline and conduct.

Private pupils of the head master and the second master.

61. The master of the college, and the second master of the upper school respectively shall be at liberty to receive and board in their respective residences such a number of boys as private pupils as the governors, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct, not exceeding for the master the number of thirty, and for the under master the number of fifteen, such pupils at any one time, but such pupils shall be instructed in the school in common with the other boys without any distinction whatever. The scale of payments and other terms upon which such pupils may be so received shall be subject to the regulation and order of the governors.

Suspension and expulsion of boys.

62. The governors shall have the power of dismissing and expelling any boy from the upper school for any immorality, insubordination, misconduct, or other sufficient cause, and the master may immediately suspend any boy guilty of any such misconduct from further attendance at the school until the case can be reported to the governors and decided upon by them.

Capitation fees.

63. An annual sum or capitation fee, to be fixed and determined from time to time by the governors, shall be paid by every boy attending the upper school, with the exception of the foundation scholars, according to the following scale, viz.—

For every boy under the age of fourteen years :

If belonging to any of the four parishes aforesaid, 6*l*.

If not belonging to any of the same parishes, 8*l*.

For every boy above the age of fourteen years :

If belonging to any of the four parishes aforesaid, 8*l*.

If not belonging to any of the same parishes, 10*l*.

And all such capitation fees shall be paid in advance to the governors, or to such person as they may appoint to receive the same in such half-yearly or other payments, and at such times as the governors may direct; and the governors shall be at liberty in any special cases to vary the sum to be paid by any boy, or to remit the same either partially or entirely as a reward of his superior merit, or on the ground of the greater poverty of his parents or next friends.

Application of capitation fees.

64. The annual amount of the capitation fees, to be received from the boys as aforesaid, shall be paid and applied by the governors as follows, viz., one moiety thereof shall be paid half-yearly to the master of the college, and one fourth part thereof shall be paid half-yearly to the under master of the upper school in augmentation of their respective stipends, and the remaining one fourth part thereof shall be applicable to the general purposes of the said school.

Instruction in upper school.

65. The instruction to be afforded in the upper school shall comprise—
The principles of the Christian religion and the reading and study of the Holy Scriptures.
English literature and composition.
The Greek, Latin, French, and German languages, and literature.
History and geography.
Writing and vocal music.
Mathematics, algebra, arithmetic, and book-keeping.
Drawing and designing, practical geometry and mensuration, and the principles of civil engineering.

Physics, mechanics, chemistry, and the natural sciences, especially with their applications to the industrial and practical arts.

And generally such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education.

For the purposes of these several branches of instruction the upper school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively shall be adapted to the same purposes accordingly.

The governors may also out of the funds applicable to the educational branch of the Charity from time to time provide such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers, as they shall think proper; and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

66. The course of instruction to be adopted in the upper school, and the hours of attendance, and the discipline and internal conduct and management thereof, and the holidays and vacations to be allowed therein, shall from time to time be under the direction and control of the master of the college, subject to such rules and regulations as the governors may from time to time prescribe. Discipline of school.

67. There shall be an annual examination of the boys at the upper school at such time as shall be appointed by the governors, who shall appoint one or more suitable examiners, being respectively graduates of one of the universities of the United Kingdom, to conduct such examination, and may pay such examiners respectively any reasonable sum for their trouble and expenses; and such examination shall take place in the presence of the governors, and of the master of the college, and the under master of the school, or such of them as can conveniently attend, and the churchwardens of the said four parishes, and such other persons as the governors or the master may think fit, shall be invited to attend the same; and suitable prizes may be provided and distributed by the governors upon every such examination to the boys who shall be reported to them by the master of the college as deserving the same. Annual examination.

68. Whenever the income and resources of the educational branch of the Charity shall, in the judgment of the governors, permit, it shall be lawful for the governors to establish and pay out of such income any number of exhibitions or scholarships, not exceeding eight in the whole, and not exceeding the amount of one hundred pounds per annum each; and such exhibitions or scholarships, when vacant, shall be open to the competition of all the boys at the upper school (except the private pupils to be taken by the said master and under-master), at the annual examination aforesaid, and may be awarded by the governors to the boys who shall appear to be most deserving thereof, having regard to the result of the said examination and to the general character and conduct of such boys respectively, according to the master's report thereof to the governors. Not more than eight exhibitions of 100*l.* each.

69. Each exhibition or scholarship shall be tenable for four years, or for any less period to be determined by the governors; provided that the holder shall, during his tenure thereof, continue to be resident at one of the English universities, or to be a *bonâ fide* student of some learned or scientific profession or of the fine arts, with a view to the professional practice thereof, and shall continue to conduct himself with propriety and to the satisfaction of the governors. Exhibitions tenable for four years.

70. The Lower or English School shall be for the instruction and benefit of boys as foundation scholars and day boys, and shall be established and carried on in suitable buildings and premises, to be constructed or provided and fitted up for that purpose by the governors in Dulwich, according to a plan to be previously approved by the Board of Charity Commissioners for England and Wales; and the buildings of the present College Grammar School may, if thought expedient, and subject to the like approval, be appropriated and altered, enlarged and fitted up, by the governors for the purpose of the said lower school. Lower or English school.

71. There shall be a master of the lower school to be appointed by the governors, who shall be a member of the Church of England, duly qualified to discharge the duties contemplated by this scheme, and the governors, previously to appointing any such master, shall advertise for candidates, and receive such testimonials and evidence of qualification as they may deem expedient for securing the services of the most efficient and eligible master. Master of the lower school.

72. The master of the lower school shall be paid by the governors by half-yearly payments out of the income of the educational branch of the Charity a fixed annual stipend of 200*l.*, and also an additional half-yearly sum of 10*s.* for every boy exceeding the number of fifty, who shall have *bonâ fide* attended the same school for a period of not less than three calendar months during the then preceding half-year. Provided that the maximum sum to be paid to the master of the lower school in any one year under this provision shall not exceed 300*l.* Stipend to master of the lower school.

73. The governors, upon the recommendation of the master of the college, may from time to time appoint such and so many persons as assistant masters, teachers, and instructors for the purposes of the lower school as in their opinion may be requisite or proper, having regard to the requirements of the same school and the income and resources of the educational branch of the Charity, and every such person may be paid by the governors such a reasonable salary or remuneration as the governors may think proper, and every person to be so appointed shall hold office during the pleasure of the governors. Assistant masters or teachers.

74. There shall be so many "foundation scholars" in the lower school not exceeding the number of seventy at one time, as shall be fixed and determined from time to time Foundation scholars at lower school.

by the governors, having regard to the extent of the accommodation afforded by the buildings, and the amount of the income and resources for the time being of the educational branch of the Charity.

**Qualification of
foundation scholars.**

75. The foundation scholars at the lower school shall be appointed by the governors, and boys between the ages of eight and twelve years, of good character, free from infectious disease, and able to read and write, and being the children of poor deserving parents resident in any of the said several parishes of St. Botolph, St. Saviour, St. Luke, and St. Giles Camberwell, shall be eligible to be so appointed, but so that an equal number of the said foundation scholars shall be taken from each of the said three parishes of St. Botolph, St. Saviour, and St. Luke respectively, and that the number of such scholars taken from each of the three last-mentioned parishes respectively shall always be double the number taken from the parish of St. Giles Camberwell. The age up to which the foundation scholars may remain in the lower school may be fixed and determined from time to time by the governors, provided that no boy shall be allowed to remain as a foundation scholar in the same school after the age of 18 years.

**Election of foundation
scholars.**

76. The foundation scholars at the lower school shall be elected from time to time from amongst boys duly qualified as aforesaid upon an examination and inquiry to be instituted by the governors, or by a committee of not less than three of their number, to be appointed for that purpose; and every such election shall be held either at Dulwich or at the respective parishes from which the scholars are to be elected, and shall take place at such times and be subject to such rules and regulations as may be prescribed by the said governors; and previously to every such election sufficient notice shall be given by the governors in such of the said parishes as may be interested therein, and in any manner and form which the governors may consider best calculated to ensure publicity, specifying the number of vacancies to be filled up and the qualifications required from candidates, and the time and place at which the election will take place, and in making every such election the merits, qualifications, and claims of the candidates in regard to their respective proficiency, abilities, and general character, and the circumstances and character of their respective parents shall be taken into due consideration by the governors.

**Examination of
candidates.**

77. The governors may appoint any fit and proper person to examine the candidates at every such election, and may pay to such person out of the funds of the Charity any reasonable remuneration for his trouble and expenses, or they may authorize the master of the lower school, or the master of the college, or the under master of the upper school to act as the examiner upon any such occasion gratuitously; and so far as conveniently may be, and subject to such regulations as the governors may prescribe, every such examination may be attended by all parishioners of the parish for which the election in question shall be held, and by any other persons whom the said governors may think fit or expedient to admit to attend the same.

**Foundation scholars
to be clothed, educated,
and maintained at
expense of Charity.**

78. The foundation scholars at the lower school shall be lodged and boarded in suitable buildings attached to the same school, to be provided and fitted up by the governors for that purpose, and shall also be clothed, maintained, and educated at the same school at the entire expense of the Charity in accordance with such rules and regulations as may be prescribed by the governors in that behalf.

**Day boys at lower
school.**

79. Subject to the regulation and control of the governors, and to the extent of accommodation afforded by the school, all boys between the ages of eight and sixteen years, the children of the industrial or poorer classes resident in any of the four parishes aforesaid, being respectively of good character and able to read and write, and not suffering from any infectious disorder, shall be admissible to the lower school as day boys; but no such boy shall remain at the school after the age of eighteen years.

**Applications for
admission as day
boys.**

80. Every application for admission as a day boy to the lower school shall be made to the master of the same school, who shall keep a register of all such applications and of the boys admitted to the school, which register shall always be open to the inspection of every governor and of the master of the college.

Capitation fees.

81. A capitation fee to be fixed by the governors from time to time, but not exceeding 5s. a quarter for each boy under fourteen years of age, and 10s. a quarter for each boy above that age, shall be paid by the parents or friends of every day boy attending the lower school to the governors, or to any person appointed by them to receive the same; but the governors may in particular cases, if they see fit, as a reward of superior merit, or on the ground of the poverty of any boy or his friends, or for sufficient special reasons, excuse the payment of such capitation fees either wholly or in part. All such capitation fees shall be paid in advance quarterly, or at such other times as the governors may direct, and shall be paid and applied by the governors as follows, viz., one moiety of the amount thereof shall be paid half-yearly to the master of the lower school in augmentation of his stipend, and the remaining moiety shall be applied towards increasing the stipend or remuneration of the assistant master or teachers of the said school respectively (if any) or for the general purposes of the same school as the governors in their discretion shall think fit.

82. Any of the day boys attending the lower school, may, with the consent of the governors, be admitted as day boarders, and may thereupon be boarded with the foundation scholars of the same school upon the payment of such a sum for defraying the expense as the governors may from time to time direct; and subject to such other reasonable regulations as they may prescribe.

Provision for partially boarding day boys.

83. The instruction to be given in the lower school shall comprise—

The principles of the Christian religion, and the reading and study of the Holy Scriptures.

Instruction in lower school.

Spelling, reading, and writing.

English grammar, and composition, and the Latin, French, and German languages.

General history and geography.

Vocal music.

Arithmetic, algebra, mathematics, and the elements of practical geometry and of mensuration.

Elementary instruction in the laws of physics, mechanics, chemistry, and the natural sciences.

Elementary freehand and mechanical drawing.

The instruction in these subjects will bear especially on their application to the industrial arts, and to them may be added such subjects as the governors shall from time to time prescribe for affording to the scholars a sound religious, moral, and useful education, adapted to their probable occupations or stations in life.

For the purposes aforesaid, the lower school may be divided into such departments or sections as the governors, or the master with their sanction, shall from time to time determine, and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof shall be adapted to the same several purposes accordingly.

The governors may also from time to time, for the benefit of the lower school, make any such provision for promoting or rendering more effectual the instruction to be given therein, and particularly in any branches of physical or mechanical science as are authorized to be made by them for the benefit of the upper school for the like purposes, so far as in their judgment such provision shall be required and the funds of the educational branch of the Charity properly applicable to this purpose will permit.

84. The boys at the lower school shall be liable to dismissal and expulsion by the governors for any breach of the rules of the school, or for theft, immorality, insubordination, or misconduct, or other sufficient cause. And upon the occurrence of any such offence or occasion, the master of the same school shall report the same to the master of the college, who shall have power to inquire into the same, and if he shall so think fit to suspend the offender from further attendance at the school, until the case shall have been reported by him to the governors, and decided upon by them.

Suspension and expulsion of boys.

85. The discipline and course of instruction to be adopted at the lower school, and the internal regulation and management thereof shall be committed to the master of the same school, subject, nevertheless, to the general superintendence and direction of the master of the college, who shall be at liberty at all times to visit and inquire into the state and condition of the said lower school, and shall, at least once in each year, make a report thereon to the governors, and subject also to the orders and regulations of the governors.

Provision for the general superintendence and discipline of lower school.

86. There shall be an annual examination of the boys at the lower school at such time as shall be appointed by the governors, who shall appoint some fit and proper examiner to conduct such examination, and may pay to him any reasonable remuneration for his trouble and expenses; and such examination shall take place in the presence of the governors, and of the masters of the upper and lower schools, or such of them as can conveniently attend, and the churchwardens of the said four parishes and such other persons as the governors or the master of the college may from time to time think fit, shall be invited to attend the same. With the approbation of the governors, either the master of the college or the second master of the upper school may act as the examiner at any such annual examination gratuitously.

Annual examination.

87. The governors may yearly, upon the occasion of such examination as last aforesaid, distribute suitable prizes to be provided out of the income and funds of the educational branch of the Charity among the boys, who shall be found to be most deserving thereof, having regard to the results of the said examination and to the general character and conduct of such boys, according to a report thereof to be made to the governors by the master of the college in concurrence with the master of the lower school, and the governors may also yearly, upon the occasion of such annual examination, award and pay out of the same income and funds to or for the benefit of a limited number of such boys as last aforesaid, who shall be then leaving the school (but not exceeding the number of six in the whole during any one year) a gratuity or sum not exceeding 40*l.* in each case for the purpose of apprenticing or advancing such boys respectively in the world in such manner and subject to such conditions and regulations as the governors may prescribe.

Prizes and apprenticing gifts.

Exhibitions or scholarships for the lower school.

88. Whenever the income and resources of the educational branch of the Charity shall in the judgment of the governors, permit any number of exhibitions or scholarships, not exceeding twelve in the whole, and not exceeding the amount of 40*l.* per annum each, may be awarded and paid by the said governors out of such income to or for the benefit of such boys as herein-after mentioned upon their leaving the lower school, and any such exhibition or scholarship shall be tenable by the boy to whom it shall be so awarded for a period not exceeding four years from the time of his leaving the school, provided that he shall continue to conduct himself with propriety and to the satisfaction of the governors; but no more than three such exhibitions or scholarships shall be awarded or filled up in any one year.

Competition for such exhibitions.

89. The said exhibitions or scholarships to the extent of the disposable vacancies for the time being therein shall be open to the competition of all boys at the lower school (as well foundation scholars as day boys) of the age of sixteen years and upwards, at the annual examination for the same schools, and shall be awarded by the governors to the boys who shall be found to be most deserving thereof, having regard to the result of the said examination, and to the general character and conduct of the boys according to a report to be made to the governors by the master of the college in concurrence with the master of the lower school. But no boy shall be entitled to or receive any such exhibition or scholarship in addition to a gratuity for his apprenticeship or advancement as aforesaid.

Masters to reside in and not to underlet their residences.

90. Suitable residences with all proper fittings and appurtenances shall be provided by the governors for the persons holding the respective offices of master of the college and under master and master of the said upper and lower schools, and the same persons respectively shall reside in their respective official residences rent free, and shall have the occupation and use thereof, in respect of their official character and duties, and not as tenants, and shall, if removed from office, deliver up possession of their said respective residences at such time and to such person as the governors may require or direct; and no master shall underlet or permit any person except himself and his family and the pupils (if any) to be taken by him under this scheme, to occupy his official residence or any part thereof. The said official residences, with their respective appurtenances, shall be kept in proper repair, and all rates and taxes thereon shall be paid by the governors out of the income of the Charity.

Masters not to have other employments.

91. The master of the college, and the under master and master of the said upper and lower schools respectively shall give their whole time and personal attention to the duties of their respective offices, and shall not respectively during their respective tenure of office accept or hold any benefice having the cure of souls, or any office or appointment which in the opinion of the governors may interfere with the proper performance of their respective duties under this scheme.

Declaration to be signed by master on entering into office.

92. The master of the college, and the under master and master of the said upper and lower schools respectively, previously to entering into office under the provisions of this scheme, shall respectively sign a declaration to be entered in the minute book of the governors, which may be in the following form, or as near thereto as conveniently may be, *i. e.* :—

“ I, _____, declare that I will always to the best of my
 “ ability, discharge the duties of _____, during my tenure of that office,
 “ according to the provisions of the scheme for the regulation of Alleyn’s College of God’s
 “ Gift at Dulwich, and that in case I shall be removed from my office by the governors
 “ according to the provisions of the same scheme, I will acquiesce in such removal, and
 “ will thereupon relinquish all claim to such office and its future emoluments, and upon
 “ any such removal, or upon any avoidance of my office, possession of my official residence
 “ with its appurtenances, may be forthwith taken by the governors, or any person appointed
 “ by them to take possession of the same.”

Removal of master.

93. The master of the college, and the under master of the upper school, and the master of the lower school respectively, shall be liable to be removed from their respective offices by the resolution of the governors present at a special meeting, to be called for the express purpose of considering the expediency of such removal, upon a requisition of at least three governors, provided that the resolution for such removal shall be carried at such meeting by at least two thirds of the governors present, and that the number of governors voting for the same shall not be less than seven. And provided that the notice of meeting shall in this special case have been given to every governor, by the space of at least one calendar month previously to the holding thereof, and that notice thereof shall have been also given in like manner by the same space previously to the master whose removal shall be proposed, and that such resolution shall be entered on the minutes and signed by the governors voting for the same, and that a copy of such resolution shall within one week after the passing thereof be forwarded by the governors or their clerk to the Charity Commissioners for England and Wales for their approval; and in case the said Commissioners shall, by an order under their seal, signify their approval of such resolution, the removal of the master affected by the same resolution shall take effect on the day of such approval, and his office shall be vacant on and from that day.

94. The master of the college, and the under master of the upper school, and the master of the lower school, shall also respectively be removable by the governors under the provisions of "The Charitable Trusts Act 1853," and the governors may assign to any master or under master, upon his removal under this or the last foregoing clause, or upon his retirement, such a reasonable annual allowance by way of retiring pension, to be paid out of the income of the educational branch of the charity as the Board of Charity Commissioners for England and Wales shall sanction.

Removal of head and under masters.

95. Any master of the college, and any under master or master of the said upper and lower schools respectively, who may die, resign, or be removed from office under the provisions of this scheme, in the interval between any two half-yearly days of payment, shall respectively be entitled to a due proportion of his salary or stipend, and of the portion of capitation fees, if any, payable to him under the provisions of this scheme from the previous half-yearly day of payment thereof up to the day of his death, resignation, or removal.

Masters salaries apportionable in case of death, &c.

96. Prayers taken from the Liturgy of the Church of England, or of which the form shall have been approved by the governors, shall be said daily in each of the said schools, when the same shall meet. The religious instruction in both the schools shall be in accordance with the doctrines of the Church of England, and shall be given under the general direction of the master of the college to all boys, except that instruction in the Church Catechism, or in any distinctive doctrines of the Church of England, shall not be given to boys whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the master of the college that they object to such last-mentioned instruction upon conscientious grounds; and all the boys, except those last aforesaid, shall also attend divine service at the chapel of the college on Sundays, and on such other days and at such times as may be directed by the master of the college, subject to the approbation of the governors. The exemption from attending divine service at the chapel of the college on Sundays may also be extended by the governors or the master, if found necessary or convenient, to any day boys attending the schools from other places than Dulwich; but care shall be taken, as far as possible, that all boys who shall, by virtue of the said exception, be exempted from attendance at the said chapel as aforesaid, shall regularly attend some other place of religious public worship on Sundays.

Provision as to Church of England instruction.

97. There shall be a boarding establishment for the purpose of making convenient provision for lodging and boarding boys at the upper and lower schools respectively, as contemplated by this scheme; and a separate account shall be kept by the governors of the receipts and expenses in respect of the boarding establishment, and all payments to be received by the governors for the lodging and boarding of any boys, under the provisions of this scheme, shall be carried to the credit of the said account.

Boarding establishment.

98. The governors may appoint a manciple or house steward for the purposes of the boarding establishment hereby contemplated, who shall hold his employment during the pleasure of the governors. The manciple, in addition to his own board and lodging, shall be paid a fixed annual stipend, not exceeding 50*l.*; and also such an annual sum, not exceeding 10*s.* for every boy at either school who shall actually have been lodged and boarded in the boarding establishment for a period of not less than three calendar months in any year, as the governors may direct; provided that the total annual payment to be made to the manciple shall in no case exceed 150*l.*

Manciple for boarding establishment.

99. The buildings for lodging and boarding the boys of the upper school shall be separate and distinct from those for the lower school, and the boys at the one school shall be kept entirely separate and distinct from those at the other, and the dietary and domestic and other arrangements for lodging and boarding the boys at both the said schools shall be suitable for the sons of persons of limited means, with such distinction or difference only (if any) between the two schools as the governors may think fit and expedient. And the master of the college (subject to such general directions and regulations as may be given or made by the governors from time to time in that behalf), shall have and exercise a general control and supervision over the boarding establishment and the arrangements thereof. The governors shall also appoint a committee of their body, who shall, so often as may be requisite, and at least once in each half-year, visit and report on the state and condition of the boarding establishment, and the management and arrangements thereof, and the state of the furniture and other property of the establishment.

Provision for maintenance of boarders and supervision of boarding establishment.

100. Subject to the authority and control of the governors all supplies and articles required for the purposes of the boarding establishment shall be procured and provided from time to time by the manciple under the immediate direction of the master of the college; and the bills for the supplies so provided shall be submitted by the manciple to the clerk for examination and discharge weekly, or at such other convenient intervals as may be directed by the governors; and the cost of all such supplies, as well as the salaries and wages of the manciple and servants, and the other expenses of the boarding estab-

Cost of supplies and provisions for inmates.

blishment shall be paid from time to time under the direction of the governors out of the income and funds of the educational branch of the Charity, and shall be charged to the account of the boarding establishment.

Attendants and servants.

101. The governors may appoint from time to time such attendants and servants as may be found to be required for the purposes of the said respective schools at such reasonable salaries to be paid out of the income of the educational branch of the Charity as the governors may think fit, and may remove any such attendants and servants at pleasure.

Present poor scholars to be admitted as foundation scholars.

102. The present poor scholars at the college, or such of them (if any) as may retain their respective appointments when this scheme shall come into operation, shall be entitled to be admitted in the first instance as foundation scholars either at the upper or lower schools as the governors may determine and direct in each case.

Preference in favour of inhabitants of Dulwich for admission to schools.

103. In the appointment or admission of boys from the parish of Camberwell to either of the said schools, under any of the provisions of this scheme, boys being the children of resident inhabitants of the township or hamlet of Dulwich, and being otherwise duly qualified for appointment or admission, shall always be entitled to and have a preference, *cæteris paribus*, over boys being the children of persons resident in any other part of the said parish of Camberwell. Provided nevertheless that the preference hereby given shall take effect and be acted upon in those cases only where the merits and qualifications of the respective candidates for appointment or admission independently of their place of residence shall be equal in the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive upon all parties.

Expense of repairing and erecting school buildings charged to educational branch.

104. The cost and expenses of adapting, erecting, providing, and fitting up the buildings, masters' residences, and other premises which may be required for the purposes of the said schools, or either of them, under the provisions of this scheme, as well as of keeping all such buildings, residences, and premises in proper repair and condition, and of providing and keeping up all requisite or proper fittings and apparatus for the purposes of the same schools, or either of them, shall be charged by the governors to the educational branch of the Charity.

Schools to be subject to Her Majesty's Inspectors of Schools.

105. The schools shall respectively be subject to inspection by Her Majesty's Inspectors of Schools.

Provision for increase of number of foundation scholars and exhibitioners.

106. It shall be lawful for the governors from time to time, with the sanction of the Court of Chancery or the Board of Charity Commissioners for England and Wales, to be obtained upon application to such Court or Board to increase the number of foundation scholars or exhibitioners at or from both or either of the said schools to such an extent as the amount of the income and resources of the educational branch of the Charity for the time being, and other circumstances may render proper and expedient.

Surplus income.

107. The annual surplus income (if any) of the educational branch of the Charity which shall not be applied or required for the purposes herein-before expressed shall be invested by the governors from time to time in the public funds in the names of the stock committee, or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the educational branch of the Charity.

AS TO THE ELEEMOSYNARY BRANCH.

Almspeople.

108. There shall be such a number of almspeople belonging to the Charity as shall be determined by the governors from time to time, having regard to the amount of income available for the support of the eleemosynary branch of the Charity, and the extent of accommodation afforded by the buildings to be erected for that purpose according to this scheme; but the number of such almspeople for whom accommodation shall be provided by the governors in the first instance, shall not exceed twenty-four.

Residences for almspeople.

109. Suitable residences with gardens, if the same can be conveniently attached to them, and all necessary and proper fittings and conveniences shall be erected or appropriated and provided by the governors for the reception and accommodation of the said almspeople upon the Charity estate if practicable, or elsewhere, at Dulwich, and according to plans to be approved by the Board of Charity Commissioners for England and Wales, and the cost of the erection and fitting up of such residences and premises, as well as keeping the same in repair, shall be charged by the governors to the eleemosynary branch of the Charity.

Provision for locating present poor brethren and sisters.

110. The present poor brethren and sisters belonging to the Charity, or any of them, who may continue to hold their respective appointments after the 31st day of December next, shall be entitled to be placed, in the first instance, in the residences to be erected or appropriated and fitted up in accordance with the provisions of this scheme, and until sufficient residences shall be erected and fitted up for such poor brethren and sisters, and in case of and from and after their removal from the college the governors shall provide them with fit, residences, or make such other provision for their location and domiciles as shall be just and expedient.

111. One half of the almspeople shall be poor men to be called "Brethren," and the other half of such almspeople shall be poor women to be called "Sisters," and both classes shall be selected, so far as practicable, from among respectable persons, either married or single, who shall have fallen from better circumstances into indigence, and who shall be of the age of sixty years or upwards, and the said almspeople, shall always be chosen and appointed from among residents in the said four parishes of Saint Botolph without Bishopsgate, Saint Saviour Southwark, Saint Luke Middlesex, and Saint Giles Camberwell, respectively, in the proportion of one fourth of the whole number of such almspeople from each of the said several parishes respectively.

Qualification of almspeople.

112. The right of appointing the almspeople shall be vested in the governors, but for the purpose of every such appointment the vestry of the parish from which the appointment is to be made shall submit to the governors the names of three persons duly qualified as aforesaid as candidates, with all proper information and evidences as to their qualification, condition, character, and circumstances, and so far as regards the candidates to be so submitted from the parish of Camberwell, having due regard to the preference herein-after reserved in favour of persons resident in the township or hamlet of Dulwich, and one of such candidates, if found duly qualified and eligible, shall thereupon be selected and appointed by the governors to fill the vacancy; but the governors may, if, and so often as they shall think fit, on the ground of disqualification, or any other reasonable cause to be assigned by them, reject all or any of the three candidates to be so submitted to them for the purpose of any such appointment, and require other candidates to be submitted to them as aforesaid, in the respective places of any so rejected. In any case of the refusal or omission of the vestry to submit to the governors the names of proper candidates within twenty-eight days next after a notification made to them or to their clerk by order of the governors of a vacancy to be filled, or next after the rejection by the governors according to the preceding provision of any candidates or candidate for the said vacancy, the governors shall be at liberty to appoint any duly qualified person to fill such vacancy.

Appointment of almspeople.

113. The almspeople, during the tenure of their respective appointments, shall have the use and occupation of their respective residences, together with such fittings and furniture (if any) as may be provided by the governors rent free, and a weekly stipend to be fixed and determined from time to time by the governors, but not exceeding twenty shillings per week, shall be paid to each almsperson out of the income of the eleemosynary branch of the Charity.

Weekly allowances to almspeople.

114. The master of the college, subject to the superior authority and direction of the governors, shall have the immediate supervision and control of the almspeople, and shall take care that proper discipline and order is observed by them, and he shall at least once in every year report to the governors as to the state and condition of the almspeople and the eleemosynary branch of the Charity generally.

Master to have supervision of almspeople.

115. Whenever the income of the eleemosynary branch of the Charity, after providing for the establishment and maintenance of twenty-four almspeople, shall be sufficient for the following purpose, the governors shall appoint from time to time as out pensioners any number of persons not exceeding the number of almspeople for the time being, and not exceeding thirty-two in the whole. The number of such pensioners of either sex shall, so far as possible, be equal, and so far as may be convenient and practicable the several provisions herein contained with regard to the qualification of the said almspeople, and the proportion of the whole number to be appointed from the poor of each of the said four parishes respectively, and the mode of their election and appointment, and the tenure of their appointments shall be applicable to the pensioners contemplated by this provision, except that such pensioners shall be eligible after the age of fifty years. The governors may pay to each pensioner during the tenure of his or her appointment, out of the last-mentioned income, a weekly or other periodical sum at the rate of ten shillings per week.

Pensioners.

116. The governors shall have the power of removing and dismissing any almsperson or pensioner for disqualification, immorality, insubordination, misconduct, or other sufficient cause, and the master of the college may at any time suspend any almsperson or pensioner guilty of any such misconduct from the receipt of any allowance or benefit from the Charity until the case can be reported to the governors and decided upon by them.

Removal and suspension of almspeople.

117. In the appointment of any almsperson or pensioner from among residents in the parish of Camberwell under the provisions of this scheme, poor persons resident in the said township or hamlet of Dulwich, being otherwise duly qualified as required by this scheme, shall always be entitled to and have a preference, *ceteris paribus*, over poor persons resident in other parts of the said parish, and the nominations to be made by the vestry of the said parish of Camberwell shall in all cases be made in accordance with this provision. Provided, nevertheless, that the preference hereby given shall take effect and be acted upon in those cases only where the qualifications and claims of the respective candidates in accordance with this scheme, independently of their place of residence, shall be equal according to the judgment of the governors, whose decision in case of any dispute or difference as to the application or effect of this provision shall be conclusive as between all parties.

Preference in favour of Dulwich for appointment as almspeople and pensioners.

118. The annual surplus income (if any) of the eleemosynary branch of the Charity which shall not be applied or required for the purposes herein-before expressed, or any of them, shall be invested by the governors from time to time in the public funds, in the names of the stock committee or in the name of the Official Trustees of Charitable Funds, and the dividends and income to arise from such investments shall be applicable as part of the income of the eleemosynary branch of the Charity.

Surplus income.

AS TO THE PICTURES AND OTHER MINOR FOUNDATIONS.

Provision for preservation and custody of pictures.

119. Provision shall be made by the governors, with the sanction of the President of the Royal Academy, for the preservation and custody of the collection of pictures and other works of art bequeathed to the college by the respective wills of Sir Peter Francis Bourgeois and Margaret Desenfans, and all accretions or additions (if any) to such collection, either in the present gallery or in some other suitable building or repository to be erected or otherwise provided for the purpose at Dulwich, and subject to such regulations for making the same accessible to the public and for other purposes, as the governors, with the like sanction or approval, may determine or direct, and until some other building or repository shall be so erected or provided, the said pictures and other works of art shall be kept under the control and direction of the governors in the present gallery, and shall be open to the public in the same manner as heretofore, or under such reasonable regulations to be established by the governors as shall not be inconsistent with the provisions or purposes of this scheme.

Endowments of picture gallery.

120. All sums of stock, securities for money, and other property vested in or held by the college, or any person or persons in trust for the custody or preservation of the said pictures or works of art, or for any object or purpose connected therewith, or so much thereof as shall not have been already vested in the said governors by virtue of the provisions hereinbefore contained, shall be transferred to the governors hereby established, or to any four persons of their number to be appointed by them for that purpose, or as to such stock to the Official Trustees of Charitable Funds, and shall be placed by the governors to a separate account, to be called "The Picture Gallery Endowment Account," and the same stock securities and premises, and the dividends and income arising therefrom shall be applicable primarily to the purposes of placing, preserving, and guarding the said pictures and works of art: but such purposes may include the erection, providing, appropriation, and fitting of any new buildings or repository, which may be erected or provided in pursuance of the foregoing provision, and of keeping the same in repair. In case the services of the present curator and doorkeeper of the picture gallery, or of either of them, shall be dispensed with by the governors, a suitable yearly allowance or pension shall be assigned to them respectively during their respective lives, in consideration of their past services, such respective allowances or pensions to be paid by the governors half-yearly out of the income of the Picture Gallery Endowment.

Surplus income of picture gallery endowment.

121. The annual surplus income (if any) arising from the said Picture Gallery Endowment shall be applied by the governors in or towards providing instruction in drawing or designing for the boys at the two schools constituted by this scheme, and until so applied shall be accumulated and invested as part of the surplus income of the said educational branch of the Charity.

John Whitfield's gift.

122. The sum of 666*l.* 18*s.* 4*d.*, 3*l.* per cent. reduced Bank Annuities, bequeathed by John Whitfield, Esquire, by his will dated the 24th of April 1826, to the master and warden of the said College and their successors, upon trust to lay out the interest thereof annually in bread and potatoes, or other necessities, and distribute the same in the months of December, January, and February in each year unto and among such 20 poor widows in the hamlet of Dulwich as the said master and warden should in their discretion consider most to stand in need of such assistance, and in proportion to the number of their respective families and wants, together with all accretions or additions, if any, to such bequest, shall be transferred to the Official Trustees of Charitable Funds, in trust for John Whitfield's Charity, Dulwich; and the chairman for the time being of the governors, and the master, and the chaplain for the time being of Allyn's College of God's Gift at Dulwich as hereby constituted, shall be the trustees for the management and distribution of the said last-mentioned charity, and the income thereof shall be paid over from time to time to such trustees, or any one or more of them, in order that the same may be applied and distributed by them, or the majority of them, in accordance with the trusts declared by the said will.

James Allen's gift or Dulwich girls school.

123. The rents, dividends, and income arising from the estates and other property constituting the endowment of the school founded by James Allen, by indenture dated on or about the 31st of August 1741, for the benefit of the children of poor persons resident in the town of Dulwich, or within one mile thereof, and all accumulations of income and other funds belonging to the said endowment, shall be placed by the governors to a separate account, to be called "The Dulwich Girls' School Account," the chairman for the time being of the governors and the master and the chaplain for the time being of the said college shall be the trustees for the administration of the said last-mentioned school, which shall be established and carried on as a school for the instruction of girls being the children of poor persons resident in the hamlet of Dulwich and its immediate vicinity, subject to such regulations as may be prescribed by the said trustees, or the majority of them, with the sanction of the said Board of Charity Commissioners for England and Wales, and the rents and income arising from the said endowment shall be paid over to the said trustees, in trust, for the purposes of the same school, and the governors of the said college shall be at liberty to appropriate in perpetuity a suitable piece of land out of the college estate as a site for school buildings for the said last-mentioned school, and any accumulations which have been already made, or may hereafter be made, out of the rents or income of the said endowment, may be applied by the said trustees in or towards erecting and fitting up suitable buildings for the purposes of the said school.

No. 5.

THE CASE of the COVENTRY CHARITIES; comprising, the Grammar School and its subsidiary Endowments, Sir Thomas White's Charity, Wheatley's Charity, William Bird's Charity, Thomas Jesson's Charity, Thomas Wale's Charity, Thomas Crow's Charity, William Jelliff's Charity, Samuel Smith's Charity, and John Moore's Charity.

AS TO THE FREE GRAMMAR SCHOOL AND ITS SUBSIDIARY ENDOWMENTS.

This school was founded by deed, dated 15th March, 15 Elizabeth (1572), under the hands and seals of Thomas Dockray and Bartholomew Hales, executors of the will of John Hales of the city of London, whereby after reciting that the said John Hales had granted to the said Thomas Dockray and Bartholomew Hales and their heirs, the site of the house and church lately the hospital of Saint John Baptist, with other houses, tenements, lands, and appurtenances, in the city of Coventry, to the intent that they should convey the premises to the mayor, bailiffs, and commonalty of Coventry and their successors, for the support of a free school in the said city, and of one master for teaching scholars in the said school, and for other necessary matters relating to the same, the said Thomas Dockray and Bartholomew Hales, granted and confirmed the said hereditaments and premises to the said mayor, bailiffs, and commonalty, and their successors for ever, for the maintenance of the said school and schoolmaster teaching scholars in the same and the other officers of the said school. And by an indenture of the same date, made between the said Thomas Dockray of the first part, the said Bartholomew Hales of the second part, and the mayor, bailiffs, and commonalty of the city of Coventry of the third part, after reciting the conveyance of the hereditaments by the preceding deed, it was covenanted that the mayor, bailiffs, and commonalty should receive and take the rents to and upon the uses and purposes thereafter expressed, viz., towards maintaining a discreet and learned schoolmaster, and for ever to be from time to time provided, nominated, and appointed to teach grammar in the said school; to the master 20*l.* per annum, besides the mansion house and close adjoining, with the appurtenances which the said master was to have without any rent; and to one learned usher, likewise to be provided by the said mayor, bailiffs, and commonalty of 10*l.* per annum over and above one house and appurtenances, which the usher was to have without rent; and to a man skilful in music, to be provided as aforesaid, who should three times every week teach so many scholars as were willing to learn to sing, 52*s.* per annum, and to a bailiff, to be provided as aforesaid, to gather up rents and to see the houses kept in reparation 26*s.* 8*d.* per annum, and the residue of the said rents to be employed in repairing the said houses, and the surplus to be bestowed yearly in augmentation of the maintenance of the said schoolmaster and usher.

The corporation of Coventry were at this time in possession of the church of Bablake herein-after mentioned, and the burial ground thereto belonging, which had been granted to them to their own use by letters patent, dated 13th December, 2 Edward VI.

Simon Norton, by will, dated 2d July 1641, gave to his son Thomas Norton and his heirs, certain tithes and lands in Coundon, in the county of Warwick, and also all his tithes of corn, grain, and wood arising out of lands in Biggin and Holm, called Biggin grounds, in the parish of Clifton in the same county, upon trust, that if at any time thereafter the said church of Bablack, in the city of Coventry, should be made a parish church, and an able and orthodox preaching minister conformable to the Church of England, should be settled in the same church to execute divine offices there, the said Thomas Norton and his heirs should pay to such person and his successors, so long as they should continue ministers and serve the cure there, out of the rents and profits of the said tithes and lands in Coundon, the annual sum of 13*l.* 6*s.* 8*d.* half-yearly, towards the maintenance of such minister for the time being, and upon further trust, to permit such minister and his successors, during their ministry of the said church, to receive to their own use and benefit all the rents and profits of the said tithes arising from the said grounds called Biggin.

By an Act of Parliament passed in the year 1734, after reciting that the corporation were lawful owners of the church of Bablake, by virtue of the letters patent of Edward VI., and reciting the said will of Simon Norton, and the foundation and endowment of the grammar school, by the deed of the 17th December 1572. And further reciting that disputes had arisen between Edward Jackson the then master of the said school, and the mayor, bailiffs, and commonalty of Coventry, concerning the alienation of a portion of the school estate, and the misapplication of some of the revenues thereof, and referring to an agreement of the mayor and council of the said city for the arrangement of such disputes,

which agreement, the mayor, bailiffs, and commonalty were desirous should be established and confirmed whereby (as was therein stated) the revenues of the master and usher of the school would be improved. It was enacted, that the said church of Bablack should from the 23d June 1734, be a parish church by the name of the Church of Saint John Baptist, in the city of Coventry, and that there should be a rector and lecturer in the said church, and that the rector should be thereby incorporated and in the actual possession of all lands, tithes, and hereditaments given for the use of the minister of the said church or for preaching therein, and should perform divine service in the said church on the Lord's Day in the forenoon, and that the lecturer should read divine service and preach every Lord's Day in the afternoon in the said church, and assist the rector in all holy offices of the church, and that the said Edward Jackson should be incumbent and rector from the said 23d day of June, for such and so long time as he should continue master of the said school; and it was further enacted, that the said mayor, bailiffs, and commonalty should be patrons of the said parish church, and that the person to be appointed master of the said school, should be a person in priest's orders, and should be rector of the said parish, and should, upon such nomination to be master of the school, receive from the mayor, bailiffs, and commonalty a presentation to the said rectory, and that the said rector and his successors, should hold the same as long as they should continue masters of the said school and no longer; and it was further enacted, that the usher of the said school should be a person in holy orders, to be called lecturer of the said parish church, and should receive from the rector one third of the rents of the pews and of the revenues of lands, tithes, &c., given or to be given to the said church, and also one third part of all surplice fees; and it was further enacted, that the site of the said church and cemetery, together with the lands, rents, and tithes dues, &c. settled by the said Act, for the benefit of the master and usher of the school, should be a full recompence and satisfaction to them and their successors for all alienations, grants, or misapplications of the said school estate theretofore made or committed, and for all arrears and overplus money due to them by the said mayor, bailiffs, and commonalty, and not paid on the 29th September 1733.

From this period the mastership of the grammar school and the rectory of Saint John have been united, the head master of the school having always been presented and instituted to the rectory, and the usher without institution having assumed the duty of lecturer, and undertaken the evening service at the church.

The Commissioners for inquiring into charities observe in their Report, with reference to the arrangement effected by the above Act of Parliament,—“It appears to us that the “Act of Parliament precludes any inquiry as to the school property then alienated, the “corporation giving, as a compensation to the master for all former misapplications, the “presentation of the rectory of Saint John. Whether the terms on which this Act of “Parliament passed were just and fair, it would now be useless to inquire. We may “however observe, that Mr. Jackson (who was the then master of the school) was well “acquainted with the school property and the abuses that had taken place, and is not “likely to have submitted to any unfair concessions on the part of the school.”

The only permanent endowment attached to the rectory of Saint John, independently of the school estate, consists of certain annual payments for tithes at Biggin, Keresley, and Coundon, amounting in all to 53*l.* 4*s.* 3*d.* In addition to this endowment, an annual payment of 19*l.* 9*s.* 3*d.* is received from Queen Anne's bounty, and the pew rents and surplice fees may be estimated annually at about 100*l.* The whole of these several payments are divided between the rector and usher, in the proportions of two thirds to the former, and one third to the latter.

The parish of Saint John, which has been subdivided since the passing of the above-mentioned Act, contains a population of about 5,000 persons.

Nathaniel Crynes, Beadle of the University of Oxford, by a codicil to his will, dated 10th July 1745, gave to his sister Ann, otherwise Hannah Crynes, 150*l.*, and desired that she should secure the same as the law should direct, so that the curate who should read prayers at six o'clock every evening at Saint John's church in Coventry should always have the interest thereof. The said Hannah, otherwise Ann Crynes, of Coventry, by will, dated 16th July 1774, gave to John Stanton and Thomas Penn Vernon 150*l.* in trust to invest the same in the public funds in their names, and to pay the dividends to the under master for the time being of the free school of the said city, for reading prayers once every day in the parish church of Saint John in the said city, over and above such other sum as he might be entitled to receive on that account from the trustee of her late brother, Nathaniel Crynes, or otherwise howsoever.

These bequests were subsequently invested in the purchase of stock; and the amount so purchased forms part of a sum of 1,700*l.* 9*s.* 6*d.*, 3*l.* per cent. consols, standing in the names of the trustees of Fairfax's School in Coventry; and an annual payment of 14*l.* 9*s.* 8*d.*, in respect of the proportion of the stock belonging to this foundation, is made by the trustees of that school to the usher of the grammar school.

Thomas Lane, by will, dated 10 January 1656, after disposing of all his fee-farm rents in the city of Coventry, added, that forasmuch as he apprehended no work of charity was

more needful than the training up of poor children in learning and religion for the work of the ministry, and for the relieving of ministers' widows, he willed, that his whole estate not disposed of by his said will should be employed to those uses and to no other; to which end he willed that all sums due to him by bonds and bills amounting to 1,100*l.*, or thereabouts, should be laid out in lands by his executors, the yearly rents whereof, together with all his fee-farm rents not disposed of, should be bestowed for the fitting of poor scholars for the University, and their maintenance there, during the space of seven and a half years, and no longer, and for the relief of ministers' widows, both to be of the county of Warwick and the city and county of the city of Coventry, viz., three parts for poor scholars, and a fourth part for widows.

This Charity is under the management of the Church Charities trustees *herein-after* mentioned, and the property belonging to it consists of an estate in the parish of Barkswell, in the county of Warwick, producing a rental of about 224*l.* per annum, and also of two sums of 700*l.* and 454*l.* 13*s.* 3*d.*, 3*l.* per cent. consols.

The amount of the gross annual income is at present 258*l.* 12*s.* 9½*d.*

The trustees select the objects of the widows' branch of this Charity, of whom there are at present three who receive 18*l.* a year each from the Charity. The exhibitioners under the Charity are taken from the grammar school; and at the time of our Inspector's Report, *herein-after* mentioned, there were two exhibitioners at the University, and three at the Grammar School.

Each exhibitioner when at the school receives an annual payment of 5*l.*, tenable for three years, and upon his going to the University he becomes entitled to a payment of 55*l.* per annum tenable for four years, conditionally however upon his continued residence.

William Wheate, by will dated 27 January 1615 gave to Edward Stapleton and thirteen others, and their heirs, a yearly rent of 6*l.* 13*s.* 4*d.*, issuing out of certain meadows within the liberties of the city of Coventry to the following uses, viz., 6*l.* thereof towards the maintenance of two poor scholars at the university, to be chosen from the free grammar school in the said city by the mayor and four justices of the same city, the two vicars of the parish churches there, the head master of the said free grammar school, and such of his executors and overseers, their deputies and assigns, and such others of the grantees of the said rent as should dwell in or near the said city, or by the more part of them, viz., to either of the said scholars 3*l.* yearly for the space of four years from their first coming to the university. Provided that if there should be any of his kindred or lineage scholars of the said free school of ability in learning to stand for the place they should have the pre-eminence, and the other 13*s.* 4*d.*, residue of the said rent to the use of such person as should keep the library lately built in the city of Coventry.

This Charity is also vested in the Church Charities Trustees, and the rentcharge of 6*l.* 13*s.* 4*d.* is regularly paid to them by the owner of the land on which it is charged. On the 1st January 1853 there was a balance of 26*l.* 10*s.* 7*d.* in favour of the Charity, out of which the sum of 5*l.* 7*s.* was spent by the trustees in binding and repairing the books in the Library, and 10*l.* was transferred to the prize fund.

Since 1852 no exhibitions have been granted from this Charity, and at the time of our inspector's report there was a balance in hand of 17*l.* 10*s.* 8*d.*

Simon Stone, by will dated 12th January, 12 Jac. I. (1614), gave to Sir Henry Fanshaw, knt., and three others and their heirs, his manor of Walburton, in the county of Sussex, in trust to sell the same, and with part of the money arising from the sale to purchase a rentcharge of 3*l.* 6*s.* 8*d.*, which he directed them to pay to Samuel Houghton so long as he should continue a student in Oxford, and afterwards to the poor of the city of Coventry for ever, viz., for the maintenance of poor scholars of the free grammar school, and orphans of his kindred or name, if any such should inhabit there, and in default thereof then towards the relief and maintenance of other poor scholars, orphans, and widows there within the said city.

The sum of 50*l.* was paid to the corporation on account of Mr. Stone's bequest, and by an entry in the Council-house book, 7th August 1733, it was ordered that the payment of 3*l.* 6*s.* 8*d.* under that bequest should be made out of the Keresley tithes then lately purchased.

The rentcharge of 3*l.* 6*s.* 8*d.* is paid annually by the corporation of Coventry, and prior to the year 1852 was expended in exhibitions, the sons of freemen being generally, but not always, appointed to hold the same.

Since 1852 this payment has been devoted by the Church Charities Trustees, in whom the management is vested to the purposes of a prize fund, from which prizes are provided for the boys at the grammar school, and at the time of the Inspector's inquiry there was a balance in hand of 13*l.* 6*s.* 9*d.* belonging to this foundation.

The property belonging to the grammar school under the original endowment consists of houses, lands, and rents chiefly in the city of Coventry, producing an annual rental of about 1,050*l.*, from which must be deducted the expenses of repairs and other outgoings.

According to the statement of the accounts for the year 1854 these last deductions appear to have amounted to about 230*l.*, and the available income for that year was somewhat less than 820*l.*

The yearly income derived from the several subsidiary foundations for the benefit of the grammar school or the scholars already mentioned may be estimated at about 270*l.*, out of which the sum of 125*l.* is paid annually for exhibitions under Lane's foundation.

The school house belonging to the grammar school is a substantial building, situate in the city of Coventry, and contains two rooms, one capable of holding from 15 to 20 boys, and the other from 110 to 120 boys, has been very lately repaired at an expense of 600*l.* which has been arranged to be paid off out of the income of the Charity by equal annual instalments extending over a period of five years. There are residences for the master and usher, which form part of the school estate.

The master's residence to which a small playground is annexed is very old, and is stated by our inspector to require rebuilding rather than reparation. The present master does not occupy his official residence himself, and is allowed to let it and reside in another house in the parish which is his own property.

We are informed that a sufficient site for the erection of additional school buildings may be obtained, if necessary, by the purchase of adjoining property of no great value.

The Reverend Thomas Sheepshanks, the present head master of the grammar school, was appointed to that office on the 11th February 1834. The Reverend William Drake was appointed usher of the school in April 1841, and he still fills that office.

We are informed that upon an average of the last ten years the sums received from the joint endowments of the school and rectory by the head master and usher respectively, (including the capitation fees paid by the boys) have amounted for the master to 600*l.*, and for the usher to 400*l.*, or thereabouts.

Upon the passing of the Municipal Corporation Act in the year 1835, the management of the grammar school, and other charities, of which the corporation of Coventry were trustees, was transferred to two bodies of charitable trustees, appointed under the provisions of that Act, the one body called "The Church Charities Trustees," and the other called "The General Charities Trustees." The grammar school and its subsidiary foundations are vested in the former body of trustees.

With the object of adapting the grammar school to the requirements of the city of Coventry, the trustees, in the year 1852, resolved to separate the school into two divisions, consisting of a classical and a commercial department, the former to be under the charge of the head master and the latter of the usher.

This arrangement, however, has not met with the concurrence or assent of the present head master, who disputes the right of the trustees to make such an alteration in the school, and has made application to our board for authority to institute legal proceedings for the purpose of contesting its legality.

The division of the school has in fact resulted in a considerable increase of the commercial branch of the school at the expense of the classical department, and has been attended by some loss of income to the head master. We are informed that since the arrangement for the division of the school came into operation there have not been more than five boys at one time in the classical branch, whilst in January 1854 there were 88 boys attending the commercial branch of the school.

The scheme herein-after proposed for the regulation of the grammar school is intended to put an end to the existing connexion between the rectory and the mastership, assigning to the former a separate endowment out of the trust estate. It will also legalize and extend the arrangement, which has been recently attempted by the trustees for engrafting on the grammar school a scheme of education more generally adapted to the requirements of the population of Coventry.

The scheme, in all its essential particulars, has the concurrence of both the head master and usher.

AS TO SIR THOMAS WHITE'S CHARITY.

The origin of this Charity appears from an indenture of covenant dated 6th July, 5 Edward VI. (1551), made between the mayor, bailiffs, and commonalty of the city of Coventry of the one part, and the master and wardens of the merchant tailors of the fraternity of Saint John the Baptist, in the city of London, of the other part; in which it is stated that the said mayor, bailiffs, and commonalty, had purchased to them and their successors of his late Majesty King Henry VIII. certain lands, tenements, and yearly rents lying as well in the said city of Coventry and county of the same city, as in the county of Warwick, being of the clear yearly value and rent of 70*l.* or thereabouts, which said purchase was made by the only procurement, aid, and help of Sir Thomas White, knight, merchant tailor of the said city of London, who minding thereby to relieve and prefer the commonwealth of the said city of Coventry, being then in great ruin and decay, of his goodness had given and paid unto the said mayor and aldermen of the said city of Coventry for the obtaining of the said purchases the sum of 1,400*l.* in consideration whereof the said mayor, bailiffs, and commonalty, at the request and mediation of certain friends of the said Sir Thomas White, covenanted with the said master and wardens that they should, immediately after the decease of the said Sir Thomas White, distribute and pay of the rents and profits of the said lands and tenements, the sum of 70*l.* yearly in

manner following, viz., to twelve poor men, inhabitants of the said city of Coventry, being householders and no common beggars, yearly from thenceforth for ever in free alms, the 10th day of March, or within six days next after that day, the sum of 24*l.*, viz., 40*s.* each, in pure alms, towards their relief and succour, provided that such of the said poor men as should have the said alms one year should not be elected thereunto again within five years next following, unless the mayor and aldermen, with the residue of the council of the said city, should think it as charitable or more to help those persons in alms as any other person. And the said mayor, bailiffs, and commonalty further covenanted that they would yearly, after one year ended next after the decease of the said Sir Thomas White, upon the 10th March, or within one quarter of a year then next ensuing, pay or deliver, by way of free loan, yearly, during the space of ten years, out of the rents and profits of the said lands, the sum of 40*l.* to four young men of the said city of Coventry, being of good name and fame, and towards in thrift, and such as were free and had been apprentices in the said city of Coventry, viz., to every of them 10*l.*, and every of the said young men should have the occupation of the said money to their own use, profit, and advantage for the space of nine years next after the receipt thereof, putting in bond and sureties upon the receipt thereof to the said mayor, bailiffs, and commonalty for the repayment of the same money after nine years expired; and the said mayor, bailiffs, and commonalty further covenanted that after the repayment of all such sums of money so delivered by them in free loan as aforesaid, they would again deliver and pay the same yearly to such other like young men of the same city, in free loan, after the rate of 10*l.* a man, for the space of nine years in manner aforesaid, and so the same should have continuance in the said city of Coventry from nine years to nine years for ever; and the said mayor, bailiffs, and commonalty further covenanted that after the end of ten years they should yearly for ever, during the space of thirty years then next ensuing, deliver and pay the sum of 40*l.* coming of the yearly revenues and profits of the said lands and hereditaments to two other like young men of the said city of Coventry, being of good name, fame, and condition, to be equally divided between them, after the rate of 20*l.* to a man, and they to have the occupation thereof during nine years next after the delivery thereof, finding sufficient sureties or power for the repayment thereof as aforesaid, and after such repayment the same to be immediately delivered in free loan, by equal portions of 20*l.* a man, to two other young men of the said city, of good fame and condition as aforesaid, and in such sort and manner as before expressed, to have continuance for ever; and the said mayor, bailiffs, and commonalty further covenanted that after the expiration of the said thirty years they would pay and deliver in free loan the sum of 40*l.* which should grow due out of the premises in the first year next after the said thirty years ended and past, to one young man of the said city of Coventry, being of good name, fame, and condition, and he to have the same for nine years, finding surety as aforesaid, and so that the said sum of 40*l.*, after the repayment thereof, be delivered by way of free loan to one other like young man of the said city in like manner as was therein-before limited and appointed to four and two young men, and so the same sum of 40*l.* to be delivered to several young men one after the other in the end of every nine years, and so from nine years to nine years, for ever. And the said mayor, bailiffs, and commonalty further covenanted that they would pay the sum of 40*l.* which should be due and growing of the premises in the second year next after the end of the said thirty years, to the mayor, bailiffs, and commonalty of the town of Northampton, to the intent that the said mayor and bailiffs of the same town for the time being should deliver and pay the same by equal portions to four young men, inhabitants of the said town, being of good fame and condition, each of them to have the use and occupation of the portion of ten pounds during nine years, finding sureties for the repayment thereof to the said mayor, bailiffs and commonalty of the said town of Northampton, at the end of the said nine years, and after the said nine years ended, and repayment of the said 40*l.*, then the same to be delivered by the said mayor, bailiffs, and commonalty of the said town of Northampton in equal portions to four other young men of the same town for other nine years upon like sureties or pawn as for the first 40*l.*, and this order to have continuance in the said town of Northampton from nine years to nine years for ever. And the said mayor, bailiffs, and commonalty of the said city of Coventry further covenanted that they would pay the sum of 40*l.* which should grow due out of the premises in the third year next after the said thirty years passed, to the mayor and burgesses of the town and borough of Leicester, to the intent that the said mayor and burgesses should deliver the same to four several young men, inhabitants of the said town of Leicester, being of good name and fame, in free loan, by equal portions of 10*l.* to a man, and each to have the use thereof during nine years, finding or putting in sufficient sureties or pawn for the repayment thereof to the said mayor and burgesses at the end of the said nine years, and after the said nine years expired, and the repayment of the said 40*l.* as aforesaid, the same to be delivered by the said mayor and burgesses to four other young men of the said town of Leicester in the like portions of 10*l.* each, and upon like sureties or pawn, and so from nine years to nine years for ever; and the said 40*l.* which should grow due in the 4th year next after the said thirty years, the said corporation of Coventry covenanted to deliver and pay to the mayor and burgesses of the town of Nottingham for the time being, to the intent that the same should be delivered by them in like manner from time to time to four young men, inhabitants of the said town of Nottingham, being of good name and fame, in free loan, by equal portions of 10*l.* each, and they to have the use

thereof for the like term of nine years, finding sureties or pawn for the repayment thereof to the said mayor and burgesses of Nottingham at the end of the said term, and so to continue in the said town of Nottingham from nine years to nine years for ever; and the sum of 40*l.* growing due out of the premises in the 5th year next after the said thirty years, the said mayor and corporation of Coventry covenanted to pay to the mayor and burgesses of the town of Warwick for the time being, to be by them delivered from time to time in like manner to four several young men, inhabitants of that town, being of good name and fame, in free loan, by equal portions of 10*l.* each, and they to have the use thereof for the like term of nine years, finding sureties to the said mayor and burgesses of Warwick for repayment thereof, as aforesaid, and so to continue to the said town of Warwick from nine years to nine years for ever; and it was further covenanted that after the said five years should be fully expired after the order therein declared, one year for the said city of Coventry and one year for every of the said four towns of Northampton, Leicester, Nottingham, and Warwick, the sum of 40*l.* that should be due and growing of the premises in the sixth year next after the end of the said thirty years, the said mayor, bailiffs, and commonalty of Coventry should pay to one several young man of the said city of Coventry, of good name, fame, and condition, who should have the same for nine years, finding surety for the repayment thereof as aforesaid, and so that the said sum of 40*l.* should, after the repayment thereof, be always delivered, by way of free loan to one other like young man of the said city of Coventry, at the end of every term of nine years, and so from nine years to nine years for ever; and so the said mayor, bailiffs, and commonalty of Coventry should pay the sum of 40*l.* growing of the premises, as well as to every of the said four corporations of Northampton, Leicester, Nottingham, and Warwick, as also within the said city of Coventry, one after another, in the order above mentioned, to be ordered and bestowed as aforesaid until 100 years should be fully expired, and to the same order of 40*l.* to one young man of Coventry, and also to four several young men of the said four towns, after the order and rate of 10*l.* a man by the space of 100 years, in form aforesaid, should have continuance as well in the said city as in the said four towns, from nine years to nine years for ever; and after the said 100 years should be expired the said mayor, bailiffs, and commonalty of Coventry should, in the first year next after the determination thereof, pay the sum of 40*l.* growing of the premises to one young man of the said city of Coventry for nine years next ensuing, finding surety as aforesaid, and so that the 40*l.*, after repayment thereof, should be delivered to one other like young man of the said city to all intents and purposes as before limited from nine years to nine years for ever; and so yearly after in like manner, every of the said four corporations of the said four towns one after another should receive of the said mayor, bailiffs, and commonalty of the said city of Coventry the sum of 40*l.* growing of the premises, to be by the governors or rulers of the said towns delivered to one young man, to have the same for nine years, finding surety as before mentioned, and so that the 40*l.* after repayment thereof be delivered to one other like young man of every of the said towns, who should receive the same to all intents and purposes as was before limited to four young men from nine years to nine years for ever; and so always as the said sum of 40*l.* should grow out of the premises, the said mayor, bailiffs, and commonalty of Coventry should from year to year deliver the same as well to one young man of the said city of Coventry as also to the said four corporations of the said towns, and they to deliver the same to one young man only of every of the said towns in order aforesaid for ever; and it was thereby provided and agreed that such of the said young men as had once had the preferment of the said money should not again have the like preferment thereof, but that it should always be from time to time in the occupation of such other honest young men of the said city of Coventry and the said four towns as should have had no preferment or advancement by the occupation of the said money, and that the delivery in loan should be made freely, without any interest or advantage to be had or taken for the same in anywise, and that the said four several corporations should, upon receipt of any such sum of money as aforesaid, find sufficient surety to the said mayor, bailiffs, and commonalty of the said city of Coventry for the true employing of the same money in free loan, according to the true intent and meaning of that indenture. And the said mayor, bailiffs, and commonalty further covenanted, after the death of the said Sir Thomas White, to pay to the said master and wardens of the Merchant Tailor's Company and their successors, at their Hall in London yearly, 20*s.* growing out of the premises, at the feast of St. Bartholomew, or in twenty days after, for their labour and pains to be taken therein to see the said Charity performed according to the covenants therein comprised. And it was further covenanted by the said mayor, bailiffs, and commonalty of Coventry, that every of the said young men of the said city of Coventry, who at any time thereafter should receive any of the loan money, should be bound by sufficient obligation, statute merchant, and two sufficient sureties with him, in the sum of 10*l.* over and above the sum received in loan, to the said mayor, bailiffs, and commonalty, or to such other persons as the said mayor and aldermen should see good, and likewise that every of the said young men of the said towns of Northampton, Leicester, Nottingham, and Warwick, who should receive the same, should be bound to the governors of every of the said towns, or such other persons as by them should be thought good, as well for the repayment of such loan money at the end of nine years next after receipt thereof, or within one month next after the death of any persons so having the said loan money and dying within the said nine years, and for their continual inhabiting for the most part within the

said city and four towns during the time that he or they should have the said money, the penalties of which said obligations should be bestowed for the performance of the said covenants and agreements. And it was thereby further covenanted by the said mayor, bailiffs, and commonalty that every of the said twelve almsmen, and every of the said young men that should receive the said loan money within the said city, should be yearly elected and chosen by the mayor and such his brethren as were of the council house, with the residue of the committee of the same city for the time being, without any partiality, on the 10th March, or within one quarter of a year then next after. And for establishing the said Charity for ever, it was further agreed that the mayor and recorder of the said city, and ten aldermen thereof, should have every year, the 10th March, or a quarter of a year then next after, for their labour and pains in electing and appointing the said almsmen and young men, the sum of 4*l.*, parcel of the yearly rents of the said premises, viz., to the said mayor, recorder, and ten aldermen, every of them 6*s.* 8*d.*, and to the steward or town clerk of the said city, or his deputy, that should take the accounts, and to the intent that all obligations and securities concerning the said free loan within the said city should be made without any cost or charge of any persons so receiving the said loan money, 20*s.* yearly for his pains and labour.

A schedule is annexed to the deed, giving the particulars and annual value of the lands and other property therein comprised, and shewing that the gross annual value of the trust estate then amounted to the sum of 77*l.* 11*s.* 8*d.*, from which a yearly payment of 7*l.* 13*s.* 2*d.* to the Crown was to be deducted, reducing the net yearly value to the sum of 69*l.* 18*s.* 6*d.*

It is very observable that Sir Thomas White, who was then living, and from whose bounty the trust property was entirely derived, was not a party to the indenture of 6th July 1551, nor does it anywhere appear that his approval or consent had been given to the provisions of that indenture. It is stated in the deed that the actual object of Sir Thomas White's gift was "to relieve and prefer the commonwealth of the city of Coventry, being "then in great ruin and decay," and the trusts declared by the deed were apparently adopted "at the request and mediation of certain friends of Sir Thomas White, as the "then best mode of carrying his intentions into effect."

In Hilary Term 1695 an information was filed by the Attorney General in the Court of Chancery against the corporation of Coventry, at the relation of the Merchant Tailors' Company, seeking to have the increased rents of the Charity estates (beyond the original rental of 70*l.* per annum,) applied in augmentation of the uses declared by the deed of the 6th July 1551.

On the 13th December 1700, Lord Keeper Wright, assisted by three of the judges, made an order dismissing the information, but this order was reversed on an appeal by the House of Lords, on the 19th February 1702, and a declaration was then made that the increased rents of the Charity estates above the 70*l.* per annum ought to go in augmentation of the several charitable uses and the appointments, expressed in the said deed of 6th July 1551. The case was accordingly brought on again for hearing before the Court of Chancery on the 12th June 1703, when the Court decreed the improved and full value of the lands to be applied to the increasing of the said charities and appointments, according to the order of the House of Lords.

After some further litigation, in the course of which a fresh information had been filed, another decree was made by the Court on the 27th of February 1710-11, by which it was directed, amongst other things, that the sum of 24*l.*, which was by the original appointment yearly to be disposed of to twelve poor women, being then increased to 243*l.* 3*s.*, the same should be disposed of to 61 poor men, 4*l.* a-piece to 60, and 3*l.* 3*s.* to the odd man, and that the 405*l.* 4*s.* 2*d.*, being the then amount of the loan money, should be lent to eight men, to each 50*l.*, and the remaining sum of 5*l.* 4*s.* 2*d.* be kept in bank. The matter was shortly afterwards brought before the Court again in a fresh suit, and by the judgment given on that occasion by the Lord Chancellor, on the 20th December 1723, it was declared, that it appeared to be the donor's original intention to advance and profit the commonwealth of the city of Coventry, the deed of 5th Edward VI., providing not only for the Charity, but further also for the public good of the city, by lodging the management in the magistrates, and thereby strengthening the government thereof; and his lordship therefore ordered and decreed that the proportion of the profits belonging to the alms and loans respectively, should be applied to so many persons, and in such proportions as by the decree thereupon made was appointed.

The principle established by these decisions has been adhered to ever since in the administration of the Charity, and notwithstanding the great increase of value in the trust estate, the entire amount of the income has been distributed amongst the several objects of the Charity in the proportions indicated by the deed of 6th July 1551.

Upon the passing of the Municipal Corporation Act, the corporation of Coventry ceased to be the trustees of this Charity, and the management of the estates was transferred to trustees appointed by the Court of Chancery, who are called feoffees. The Right Honourable William Earl of Craven, Cleophas Ratliff, Edward Humphrey Woodcock, Thomas Cope, Abraham Burbury Herbert, John Gulson, and David Waters, Esquires, are the present feoffees.

The feoffees act in the management of the property and estates, and in the receipt of the rents; and the net annual income, after defraying outgoings and the expenses of management, is paid over by the feoffees annually to the persons entitled to receive and

distribute the same, in the proportion directed by the decrees of the 27th February 1710, and the 20th December 1723, already referred to, viz.—

Forty-seventieths for loans to one of the five towns of Coventry, Northampton, Leicester, Nottingham, and Warwick, consecutively every fifth year.

Twenty-four-seventieths for distribution in doles to the Coventry General Charities Trustees.

Four-seventieths to the same trustees for distribution.

One-seventieth to the Merchant Tailors' Company; and,

One-seventieth to the clerk of the trustees.

A document is drawn up annually under the direction of the feoffees, called the proportion paper, in which the amount of the net income for the year is apportioned to the several objects of the Charity, according to the above scale.

The account for the year 1853 shews the gross income of the Charity estate to have been 2,940*l.* 9*s.* 10*d.*,

	£	s.	d.
The amount actually received being	-	-	2,838 14 8
And the payments for repairs and outgoings	-	-	181 1 2
Making the amount of the net income	-	-	2,657 13 6

This latter sum formed the subject of the proportion paper for that year, and was apportioned and distributed as follows, namely,—

	£	s.	d.
Forty-seventieths to the Leicester trustees	-	-	1,518 13 4
Twenty-four seventieths to the Coventry General Charities Trustees for alms	-	-	911 4 1
Four-seventieths to the same trustees	-	-	151 17 5
One-seventieth to the Merchant Tailors' Company, London	-	-	37 19 4
One-seventieth to the clerk to the General Charities Trustees	-	-	37 19 4
			2,657 13 6

The forty-seventieths of the income applicable in loans, every fifth year, to the freemen of the city of Coventry are paid over by the feoffees to the General Charities Trustees, as each quinquennial period arrives, and constitute the loan fund, which is managed and administered by those trustees.

The total amount lent and outstanding in loans in Coventry on the 31st December 1854, was 8,300*l.* The loans are granted to freemen resident in Coventry for the period of nine years without interest.

The money is usually secured by a bond given by the borrower, with three sureties, but occasionally a mortgage of freehold property is accepted as security. In the course of the year 1853 the sum of 1,200*l.* was advanced in this manner in loans of 50*l.* each.

The sums thus lent are seldom lost, owing to the care taken by the trustees in requiring sufficient security. The fund applicable in loans is therefore constantly increasing, by the periodical addition to it of the quinquennial payments, and as for many years past the demand for loans has not kept pace with the increase of the funds, a large accumulation has arisen, which has been invested or secured by the trustees as follows, namely,—

£	s.	d.	
8,958	1	5	in three per cent. consols.
5,000	0	0	on a mortgage upon the Coventry cemetery.
1,965	0	0	secured by the bond of the corporation of Coventry at four per cent.
270	0	0	secured by bond upon street rates.
16,193	1	5	

In addition to the amount thus invested there was a cash balance of 4,210*l.* 7*s.* 5*d.* standing to the account of the trustees with the Coventry and Warwickshire Banking Company on the 31st of December 1854, which brings up the total amount of the accumulation from this source to upwards of 20,400*l.*

The amount of the payment made to each of the five towns every fifth year may be estimated at present at somewhat more than 1,500*l.*, and it is the turn of Coventry to receive the quinquennial payment for the present year. This payment may be expected to be made very shortly, and the accumulation arising from the unemployed surplus of the loan Charity will then amount to nearly 22,000*l.*, of which a large proportion is yielding interest or income.

In this state of circumstances a suit was recently instituted in the Court of Chancery for the establishment of a suitable scheme for the application of the surplus funds of this Charity, and an order was obtained in that suit (Attorney General *versus* Sheepshanks), referring it to the master to approve of a proper scheme for that purpose. Two schemes were accordingly proposed to the master, one by the relators and the other by the trustees of the Charity, the former providing for the application of the money in aid of the seniority fund, which will be hereafter more particularly alluded to, and the latter pro-

posing to increase the loans to a sum not exceeding 150*l*. Both these plans, however, were rejected by the master, who suggested that the trustees and freemen should meet for the purpose of settling and agreeing upon some scheme for the advancement of education in the city of Coventry.

All further proceedings in this suit have been suspended in consequence of the inquiry which has been instituted by our Board into this and the other charitable foundations of the city of Coventry, and upon a notification to the master that we should consider it our duty to propose a scheme for the application of the large funds involved in that suit; but we have been informed that the trustees of the Charity and the freemen have recently agreed upon a plan for the application of the loan portion of this Charity, of which the following are the principal features, namely, that it is proposed, after reserving 10,000*l*. as a permanent fund for loans, to appropriate out of the accumulated fund the sum of 3,000*l*. for the erection of an industrial girls school for the daughters of freemen, and a further sum of 7,500*l*. towards the endowment of that school, and to apply the future quinquennial payments to the endowment of the same school and the residue of the accumulated fund, which is estimated to amount to the sum of 7,500*l*., to the purposes of an institution called "The Freemen's Seniority Fund."

The seniority fund has originated in the sale of the Lammas rights of the freemen of Coventry in part of a considerable tract of land called the Lammas land, adjoining that city, and the proceeds of these sales having been invested, the income of the fund thus created is distributed, under certain rules which have been established for its regulation, in weekly payments of 6*s*. each to so many of the oldest freemen as the funds will permit. There are now twenty-six freemen in the receipt of this weekly payment.

The oldest freemen on the list are entitled to claim this payment during their lives, without reference to their relative poverty or other qualifications; and although the institution is represented by the freemen to be beneficial in its results, it cannot be regarded as a Charity in the proper acceptance of the term.

We understand that an arrangement is now in progress for the inclosure of the whole of their Lammas rights. A material addition to the funds available for the immediate benefit of the freemen may therefore be shortly expected from this source.

We have not thought it advisable to devote any portion of the charitable funds which are comprised in the following scheme to the purposes of the Freemen's Seniority Fund in compliance with the request which has been urged upon us by the freemen, with the assent of the General Charities Trustees, but it will be found that the institution of an industrial girls school, very nearly similar to that suggested by the freemen and trustees, forms one of the principal objects of the proposed scheme.

The 24-70ths of the income of Sir Thomas White's Charity, which are applicable annually in money gifts, amounted in the year 1853 to the sum of 911*l*. 4*s*. 1*d*., and in the year 1855 to the sum of 931*l*. 3*s*. 6*d*.

This portion of the Charity is also administered by the General Charities Trustees, by whom the amount is distributed annually amongst the poor of Coventry in payments of 4*l*. each, known as the 4*l*. gifts, in the following manner:—

Upon the receipt of the annual account from the feoffees, the amount to be disposed of in gifts is divided into sums of 4*l*. each, which are allotted as nearly as may be in equal proportions amongst the several trustees for the purpose of distribution, so that each trustee has the nomination of a certain number of recipients. The list of recipients chosen by each trustee is submitted to the general body of trustees, and is ultimately settled, in case of any difference, by the votes of the majority.

The lists of recipients, when completed, are entered upon the trustees minute book, and also in the account book of the charity, each trustee's name appearing against the objects selected by him.

It is required by way of qualification for the recipients of these gifts that they should have resided in the city of Coventry for the previous five years, and should have been householders for at least twelve months, and that they should not have received parochial relief during that time. No person is eligible as a recipient who has received the 4*l*. gift during the ten years previously, or who is the holder of a 50*l*. loan from Sir Thomas White's Charity.

The 4-70ths of the income payable to the trustees amounted in the year 1853 to 151*l*. 17*s*. 5*d*. The amount is divided equally amongst the trustees, and is understood to be dispensed by them in private charity.

For the reasons which we have stated in our General Report, it has appeared to us that some change in the application of this large amount of charitable funds is greatly required, and we propose that the 24-70ths and 4-70ths of the income shall be transferred to the General Charitable Fund, to be created by the scheme for the purposes which will be hereafter explained.

Under the circumstances which have already been adverted to, we consider that this change in the application of the funds will properly and effectively promote the declared object of the founder's benefaction, namely, to advance the commonwealth of the city of Coventry.

Of the remaining 2-70ths of the income, one amounting to the sum of 87*l*. 19*s*. 4*d*. is transmitted annually to the Merchant Tailor's Company in London, and the other is paid to the clerk of the General Charities Trustees as a remuneration for his services in negotiating and managing the loans. We do not propose to disturb this arrangement.

AS TO WHEATLEY'S LOAN CHARITY.

Thomas Wheatley, by will dated 6th March 1566, bequeathed to the mayor, bailiffs, and commonalty of the city of Coventry, the sum of 800*l.*, to the intent that they should yearly put forth the same in loan as follows:—

	£	s.	d.
To the Fellowship of Mercers in the said city	-	-	-
" " Drapers	-	-	-
" " Tanners	-	-	-
" " Whittawers	-	-	-
" " Corricers	-	-	-
" " Smiths	-	-	-
" " Barbers	-	-	-
" " Skinners	-	-	-
" " Bakers	-	-	-
" " Cardmakers and Saddlers	-	-	-
" " Girdlers	-	-	-
" " Cappers	-	-	-
" " Coopers and Turners	-	-	-
" " Butchers	-	-	-
" " Dyers	-	-	-
" " Carvers and Printers	-	-	-
" " Clothiers	-	-	-
To the corporation of the town of Northampton, to be for ever, by the head officer of the said town, put forth in loan amongst the artificers of the said town	-	-	-
To the corporation of the town of Warwick, to be likewise put forth in loan amongst the inhabitants there	-	-	-
To the town of Atherstone, to be likewise put forth in loan amongst the inhabitants there	-	-	-
	£800	0	0

And he provided that the said corporations and fellowships should be bound with sufficient sureties, by writing, unto the mayor, bailiffs, and commonalty of the said city of Coventry, for the repayment of all such sums as they, or any of them, should have received. And he willed that the said mayor and his brethren should take yearly of every man having any of the said money in loan fourpence for every pound, to be paid yearly at the feast of St. Michael, and the same to be distributed yearly as follows, namely:—Ten shillings to the mayor of the said city for the time being, and to ten aldermen of the said city ten nobles; and for three sermons to be preached within the said city 20*s.*; to the clerk of the council of the said city 10*s.*; and the residue to be bestowed upon a collation for the said mayor and his brethren yearly, to the intent that they should see his will truly executed and performed. And he provided that if the towns of Northampton, Warwick, and Atherstone, with all other the fellowships before named, should not truly perform and accomplish his will in all points, then the said loan money and bequests as delivered to them should be void; and then he gave and bequeathed the same money to the said mayor and his brethren to be bestowed in loan at his and their discretion amongst the poor inhabitants of the said city of Coventry in manner before expressed.

The amount of this bequest appears to have been advanced in loans in the manner directed by the founder's will about the middle of the seventeenth century. But in the year 1667 the corporation of Northampton repaid their 100*l.*, "which they would hold no longer, finding it to be a burthen to them." The corporation of Warwick had previously repaid their 50*l.*, and others of the loans were lost by the discontinuance of the fellowships to which they were advanced, or by other casualties.

Upon an investigation of the accounts of this Charity by a committee of the corporation in the year 1832, it appeared that the total amount of the funds had been reduced by various losses to 415*l.* 5*s.* That sum still remains in the hands of the mayor and corporation of Coventry, but no portion of the amount has for many years past been applied in loans, and there is no probability of its being required for the purpose. The 415*l.* 5*s.* belonging to this Charity being at present wholly useless, it is proposed that the amount shall be made over to the General Charitable Fund, to be created by the proposed scheme, for the purposes which will be presently explained.

AS TO WILLIAM BIRD'S CHARITY.

William Bird, by will dated the 7th February 1686, gave to Thomas Barnsley and John Kinnis, and their heirs, all his real and personal estate in trust as to one moiety thereof to pay the yearly rents and profits to the mayor and aldermen of the city of Coventry, and their successors, to be by them distributed to the poor inhabitants of the city of Coventry according to their discretion.

The endowment belonging to this Charity consists of the sum of 1,547*l.* 18*s.* 9*d.*, three pounds per cent. stock, now standing in the name of the Accountant General of the Court

of Chancery, in trust, in the cause of the Attorney General *v.* Corporation of Coventry, and the application of the income is regulated by the decree of the Court of Chancery made in that suit, and dated the 27th of July 1779, whereby a scheme was approved directing the dividends to be distributed to poor people inhabiting the city or suburbs of Coventry at Christmas yearly, or within one calendar month before or after that time, by 20s. or 40s. to each person, as the trustees should think proper.

This Charity is under the management of the General Charities Trustees, and the dividends on the trust stock, amounting to the annual sum of 46*l.* or thereabouts, after deducting 2*l.* for a salary to a messenger, are distributed by the trustees in sums varying from 20*s.* to 40*s.* amongst the poor inhabitants of Coventry, as part of the general dole fund herein-after mentioned.

It will be observed that the expressions in the founder's will leave a considerable latitude in the mode of applying the funds of this Charity. The present mode of distribution appears to us to be objectionable upon the principles stated in our Report, and we consider that the benefit to be derived from the Charity will be materially increased, without any departure from the founder's intentions, by devoting it to the purposes of the General Charitable Fund proposed to be constituted by the scheme.

AS TO THOMAS JESSON'S CHARITIES.

Thomas Jesson, by will dated 28th July 1634, gave to the mayor, bailiffs, and commonalty of the city of Coventry 2,000*l.*, with which they should buy lands, the yearly rent whereof might be 100*l.* at least, which he directed to be bestowed to the uses following, namely, first, that on St. Thomas's Day every year they should elect six very poor boys, being sons of freemen, whose parents or friends were unable to clothe them, to place for apprentices, and should within that year provide them masters, and bestow upon every of them 3*l.* to provide them apparel and masters, whereby they might learn some honest occupation or profession, namely, in all 18*l.*; two of which boys he willed should be of Little Park Street Ward; also to give every year, on St. Thomas's Day, to ten honest poor men, being freemen of Coventry, decayed in their estates, 20*s.* a-piece, two at least of Little Park Street Ward; also to give to twenty poor widows on the same day 10*s.* a-piece, four of them at least to be of Little Park Street Ward; also 40*s.* in bread to be given to divers poor people in St. Michael's Church in Coventry, every St. Thomas's Day after divine service in the morning for ever; also 10*l.* 8*s.* for bread every year to be given to several poor folks of the parish of St. Michael by 4*s.* a week in the said church every Sunday after divine service in the morning; also 5*l.* 4*s.* more for bread to be given to the poor in Trinity Parish by 2*s.* a week every Sunday morning after divine service in the church; also for a sermon to be preached in St. Michael's Church every Wednesday morning in the year by a preacher to be chosen by the mayor or his brethren of the council house, or the greater part of them, every St. Thomas's Day yearly, 6*l.*, provided that if he be not so chosen, or that the sermons be not performed, then and so long the 6*l.* per annum intended for the sermons should be given to twelve poor folks on St. Thomas's Day, one quarter thereof to the poor of Little Park Street Ward; also 20*l.* every year to be lent by the said mayor and his brethren to two tradesmen, freemen of Coventry, for five years space, in the manner therein mentioned; also 10*l.* every year to be given amongst five of his own kindred, which said 10*l.* was to be paid amongst certain persons of the name of Jesson, Forest, Symons, Norton, and Potter, in the will mentioned, during their lives, and to their children and their children's children, to five or four of them, where the mayor and his brethren, or the greater part of them should think to have most need and fittest to receive the same; also 20*s.* yearly to the vicar of St. Michael's for a sermon to be preached by him on the morning of St. Thomas's Day in St. Michael's Church; also 3*l.* yearly to the mayor and his brethren of the council house, yearly, to make them a dinner on St. Thomas's Day where they might please to invite the vicars of both churches; also 15*s.* for the churchwardens of the parish of St. Michael for cakes and drink, to be spent on St. Thomas's Day, and 10*s.* for the churchwardens of Trinity Church for the same purpose, to be spent on the same day. And out of the remainder of the supposed 100*l.* or better, yearly arising off the land to be bought for the said 2,000*l.* twenty shillings yearly to the city clerk, and the rest to be bestowed on poor folks, especially such as should have come by hurts or misfortunes in their members at their work, or should be otherwise by casualty distressed.

This Charity is now under the management of the General Charities Trustees of Coventry, and the property belonging to it consists of a farm at Clifford Chambers, in the county of Gloucester, containing 119 acres 2 roods and 7 perches, let upon lease at a rent of 234*l.*, and a sum of 763*l.* 19*s.* 8*d.*, 3*l.* per cent. consols.

The gross income for the year ending the 31st December 1853 amounted to 256*l.* 18*s.* 4*d.*;

Eighteen pounds is expended annually in apprenticing six boys, the sons of freemen, but we are informed by the trustees that there is some difficulty in finding suitable objects for the apprenticing portions of the Charity, and they have latterly endeavoured to adopt some more beneficial mode of applying the funds.

The trustees distribute annually out of the income of the Charity, on St. Thomas's Day to ten poor freemen the sum of 20*s.* each, and to twenty poor widows the sum of 10*s.* each, and at the same time 40*s.* in bread.

The annual payments of 10*l.* 8*s.* and 5*l.* 4*s.*, for bread to be distributed to the poor at St. Michael's Church, and in Trinity Parish, appear to be regularly made.

The 6*l.* directed to be paid annually to a preacher for preaching a sermon on every Wednesday morning is not so applied, such sermon having long since been discontinued, and the amount is distributed annually amongst twelve poor persons on St. Thomas's Day.

The 20*l.*, directed to be applied annually in loans is never required for that purpose, and is allowed to fall into the general residue.

The annual distribution of 10*l.* amongst the kindred of the founder is still made in accordance with his will.

The vicar of St. Michael's is paid 20*s.* for a sermon preached by him on St. Thomas's Day.

The trustees, instead of expending the 3*l.* on a dinner, pass the same to the general fund, but they pay annually 15*s.* to the churchwardens of St. Michael's, and 10*s.* to those of Trinity.

Out of the annual residue the trustees subscribe thirty guineas yearly to the Coventry and Warwick Hospital, and five guineas yearly to the Coventry Dispensary.

The unappropriated residue of the income, amounting annually to about 130*l.*, is thrown into the general dole fund already referred to, and is distributed by the trustees amongst poor persons in Coventry on St. Thomas's Day, in sums varying from 40*s.* to 10*s.* each, in the amounts herein-after mentioned.

In dealing with this Charity in our scheme the specific charitable payments directed by the will, amounting in all to 72*l.* 12*s.*, are continued under such regulations as may secure the selection of deserving objects, and upon the principle already referred to, the annual surplus now distributed in doles is proposed to be applied to the purposes of the General Charitable Fund.

AS TO THOMAS WALE'S CHARITY.

Thomas Wale, citizen of London, by will dated 19th April 1625, gave to the mayor and commonalty of the city of Coventry, and their successors for ever, his manor of Anglesey, in the county of Cambridge, and other real estate, upon condition that the said mayor and commonalty, and their successors, should bestow the rents and profits thereof in manner following; (that is to say,) 20*l.* thereof to be yearly paid towards the perpetual maintenance of a schoolmaster, and 10*l.* per annum for and towards the maintenance of an usher to teach a grammar school in the town of Monks Kirby, in the county of Warwick, in the schoolhouse wherein a school had been kept for many years past, towards which he had given a yearly exhibition, or in some other convenient house to be provided for that purpose by the parishioners of the said town of Monks Kirby, at their own charge, in which school he willed should be freely taught the children of the inhabitants of Monks Kirby, and of Stretton and Brinckloe, in the said county of Warwick. And he ordained that when and as often as the said school should be void of a master, the mayor and aldermen of Coventry, and their successors, should appoint such other learned, honest, and discreet person to be master as they should think fit, the ordering and care whereof to be wholly left to their discretion, and the usher to be always chosen by the master, nevertheless by the approbation of the mayor and aldermen, and their successors, and by them to be removed (if they saw cause); and the residue of the rents and profits of the said manor and hereditaments he willed should be yearly given and disposed by the mayor and aldermen, and their successors, for and towards the relief of such poor people within the city of Coventry as they should think fit.

By a codicil without date, the testator further willed and ordained, that the mayor and aldermen should yearly for ever, give and bestow out of the rents and profits of the said manors, lands, tenements, and hereditaments, the sum of 40*s.* to the churchwardens and overseers of the poor of the parish of Brinkloe, by them to be distributed for the relief of the poor of the same parish from time to time for ever.

The management of this Charity is also vested in the General Charities Trustees of Coventry.

It has been stated to our Board, on the part of the inhabitants of the parish of Monks Kirby, (and the accuracy of this statement is not denied by the trustees,) that the yearly value of the property bequeathed by Thomas Wale to the charitable purposes mentioned in this will, did not at the time of the foundation exceed 33*l.*, of which 30*l.* was given to the school, and 2*l.* to the poor at Brinklow, so that the annual value of the residue given by the testator to the poor of Coventry did not then exceed 1*l.*

The real and personal property belonging to the Charity now produce an annual income of about 290*l.*, and there was also a cash balance of 366*l.* in the hands of the treasurer uninvested at the end of the year 1854.

A sale of an outlying farm belonging to the Charity has been recently authorized by our Board, which may be expected to produce an addition of about 50*l.* to the present income. The yearly revenue of the Charity may therefore be estimated for the future at 340*l.* or thereabouts. The yearly outgoings have amounted to about 32*l.* 11*s.*

The trustees pay to the master of Monks Kirby school (of which there is no usher) the fixed stipend of 30*l.* a year, besides annual allowances of 4*l.* for attending upon the trustees at their meetings, and of about 5*l.* for coals

The annual payment of 2*l.* is made to the poor of the parish of Brinklow as directed by the founder, and the residue of the income is thrown into the General Dole Fund already referred to, and is distributed by the trustees upon Ash Wednesday in each year in sums varying from 40*s.* to 6*s.* 8*d.* each in the manner herein-after mentioned.

Complaints have been made by the parishioners of Monks Kirby of the insufficiency of the stipend paid to the master as well as of the inefficiency of the school which is represented to be of little advantage to the parish.

It is stated in our Inspector's Report, that some of the trustees upon visiting Monks Kirby in the spring of 1853, found that the school premises were dilapidated, that the master did not reside in the schoolhouse, but had let the same without their sanction to three distinct families for a certain rent, and that he himself lived a mile from the premises. They also found that there were only fourteen boys in the school. That the average attendance per day was only seven or eight, and that their education had been much neglected. A report to this effect was laid by the visiting trustees before the general body, and upon its being communicated to the master he resigned. No steps have since being taken by the trustees for the improvement of the school, and there is at present merely a temporary master.

The circumstances of this Charity were brought under the special notice of our Board in the month of March last by a memorial from the principal parishioners of Monks Kirby, representing that it was the intention of the founder that his property should be devoted primarily to the establishment and support of the school at Monks Kirby, and claiming that such an addition should be made to the annual payment for the support of that school as would bear some proportion to the increase of the income of the Charity.

The trustees have declined to make any addition to the payment for the benefit of the school, on the ground that the present application of the funds of the Charity is strictly legal; but it appears to us, with reference to the principal purpose of the founder, that, in prescribing the application of the funds of this Charity by any new scheme, adequate provision ought to be made for the support of the school, and we have proposed that the annual payment for the benefit of the school should be increased to 120*l.*, and that the advantages of the school shall be extended to the whole of the parish, a portion of which has been hitherto excluded from its benefits. The school is also proposed to be placed by the scheme under Government inspection, and provision is made for establishing suitable regulations, with the sanction of our Board, for its future management.

An application has been made to our Board by the rector and parishioners of Brinklow, claiming to have a portion of the funds of this Charity assigned for the support of a separate school in that parish, but the founder having contemplated the establishment of a school in Monks Kirby only, we have not felt ourselves at liberty to accede to that application.

AS TO THOMAS CROW'S CHARITY.

Thomas Crow, by will dated 17th December 1707, gave certain lands and real estate in the city of Coventry and elsewhere to the mayor, bailiffs, and commonalty of the said city, in trust that they should yearly receive out of the rents and profits 20*s.* to be spent as they should think fit when they should meet about the execution of the trusts, and that they should yearly employ the weekly sum of 16*s.* towards the maintenance of eight poor aged or infirm women, either widows or maids, as should be the fittest objects of charity, inhabitants of the city of Coventry, and above threescore years of age, allowing each poor woman weekly 2*s.* And he requested that such poor women should be placed in the hospital in Grey Friars Lane in the said city if room could be made there for them, and he directed that such poor women should be nominated by the mayor and his brethren of the Council-house, and their successors; and he further directed that if at any time thereafter the rents and profits of the premises should amount to more than the said weekly payments, and the said yearly sum of 20*s.*, that the mayor and his brethren and their successors should dispose of the overplus amongst such poor people, inhabitants of the city of Coventry, as they should think fit, on the 21st December yearly.

This Charity is also under the management of the General Charities Trustees of Coventry, and the property belonging to it consists of lands and other real estate, producing at present a gross rental of 164*l.* 10*s.* a year.

Eight poor widows, who are appointed by the trustees, receive 2*s.* a week each out of the income of this Charity, but they are considered as disentitled to participate in any of the other Charities under the direction of the General Charities Trustees.

The outgoings and expenses amounted in the year 1853 to 20*l.* 17*s.*, and the weekly payments to the eight widows during the same period to 4*l.* 12*s.*

The annual surplus, after making these payments, is thrown into the General Dole Fund already referred to, and is given away to the poor of Coventry on St. Thomas's Day, in sums varying from 40*s.* to 6*s.* 8*d.* in the manner herein-after mentioned. The amount of the surplus so distributed in the year 1853 was 117*l.*

In regulating this Charity we have thought it desirable to raise the amount of the present weekly payments to the eight poor widows from 2*s.* to 6*s.*, prescribing at the same time such qualifications as may ensure the selection of proper recipients.

The residue of the income, after providing for outgoings and the increased allowance to the widows, may be expected to amount to about 40*l.* annually, and is proposed to be transferred to the General Charitable Fund already mentioned.

AS TO JELLIFF'S CHARITY.

William Jelliff, by will dated 14th March 1681, gave to the mayor, bailiffs, and commonalty of Coventry, a messuage and garden in Spon Street, Coventry, and a close called the Stripes in the parish of Foleshill, in the county of the city of Coventry upon trust, to dispose of the rents and profits thereof as follows; namely, that they should yearly on the 10th March, or within six days after, give to two poor housekeepers in Spon Street ward, and to two poor housekeepers in Bishops Street ward, and one poor housekeeper in New Street, in Jordan Well ward, and one poor housekeeper in Gosford Street ward without the gate of the said city, and to one poor housekeeper in every of the other six wards in the said city, 6s. 8d. each. And he desired the said mayor and his successors, with his brethren of the Council-house, to provide that there should be 12d. in wheaten bread given every Sunday in the Holy Trinity church, by the churchwardens of the said parish to such poor thereof as should be the fittest objects of charity, and that they should yearly pay to the vicar of the parish of the Holy Trinity, for preaching a sermon on Coventry Great Fair day held on Friday after Whitsun week in the church of either Trinity or St. Michael, 10s. And he directed that after the discharge of the above payments the overplus of the rents of the said premises should go for the repairs of the said house or tenement in Spon Street for ever.

This annuity is also under the management of "The General Charities Trustees of Coventry."

The endowment consists of certain premises in Spon Street, Coventry, now let upon a lease for 21 years, from the 10th October 1854, at an annual rent of 25*l.*, and of a close at Foleshill, demised for 14 years at a rent of 15*l.* a year, making an aggregate annual rental of 40*l.*

The expenditure to meet the specific payments, as directed by the will of the founder, amounts to 7*l.* 2s. annually, and "the overplus," after providing for the expenses and outgoings, is thrown into the General Dole Fund already referred to, and is distributed annually by the trustees on Ash Wednesday to the poor of Coventry, in sums varying from 20s. to 6s. 8d. each, in the manner herein-after mentioned.

The specific payments directed by the founder are retained, and placed under proper regulation by the proposed scheme, and the residue of the income amounting to 30*l.*, or thereabouts (which is now distributed by the trustees in doles, apparently without any sufficient legal authority), is proposed to be transferred to the General Charitable Fund already mentioned.

AS TO SAMUEL SMITH'S CHARITY.

Samuel Smith, by will dated the 30th of January 1724, after making certain specific devises and bequests, gave all the residue of his real and personal estate, subject to certain life annuities therein mentioned, to the following charitable uses; that is to say, as soon as the yearly profits arising therefrom beyond the outgoings should amount to 50*l.* per annum, the said sum of 50*l.* per annum should be distributed in charity to ten poor housekeepers, men or widows, inhabiting in the city of Coventry, having one or more child or children, 8s. 4d. per month for one year, to be paid on the first day of each calendar month, and no such poor housekeeper to have the same above one year together, except in extraordinary cases, the whole number of trustees agreeing thereto, and that in no year above three housekeepers who had had the same in the next precedent year should have it again; and when the excess of the yearly income above the said 50*l.* should be sufficient to pay for 20 ton of coals, viz., 10*l.* per annum, he appointed that such coals should be bought and distributed equally to 20 poor families inhabiting in Coventry, between the 1st of November and 2d of February in every year, and he appointed that 20 bibles, of not more than 4s. and not less than 3s. 6d. price for each, should be given yearly on the 25th or 26th of March to 20 persons, viz., 16 young men or young women in the city of Coventry, who could read, and were of the age of 16, or upwards, and not above 20, and to four such like young men or young women of the parish of Bedworth; and that on the same day every year 40*l.* should be given to 20 poor families in the said city, viz., 40s. to each family, provided that where single persons without families should appear to his trustees to be great objects of charity, such persons not exceeding ten in any year should be capable of having the said gift; and after appointing 11 trustees (for the management of the said Charities, he directed that when they should be reduced by death to the number of nine, two other fit persons inhabiting in Coventry should be chosen by the survivors in the room of the two last that died; and he appointed the sum of 3*l.* per annum to be expended in collations for the trustees, and 5*l.* per annum for entering and keeping the accounts of the trust; and he directed that any increase of his estate should go in augmentation of such of the said payments appointed by him as the trustees should think fit, and that whatever other money there should be to spare beyond what would answer his said specific charities should be invested in the purchase of lands.

James Boydall, by will bearing date 7th January 1768, appointed that the sum of 200*l.* should be placed out on government or real security by the trustees of the said Samuel Smith's Charity, of which he was one, the interest to be applied by them for the like charitable uses as were appointed by his will; and whereas there were several branches of the said Charity he left it to his trustees to apply the said interest in a manner corresponding with all, or any one or more, and in such proportion as they in their discretion should think fit.

The real and personal property now belonging to this Charity (including the sum of 200*l.* left by the will of James Boyddall) consist of certain premises in Hay Lane, High Street, and Little Park Street, in Coventry, producing an annual income of 215*l.*, and of a sum of 1,756*l.* 14*s.* 9*d.*, 3*l.* per cent. consols, standing in the name of the accountant general of the Court of Chancery.

The appointment of Trustees has been regularly continued by successive deeds of appointment and conveyance up to the present time, the last appointment having been made in the month of March 1855, and there are at present nine trustees, viz. :—

Stephen Freeman, Esquire,	W. Clark,
The Revd. Timothy Davis,	James Foot,
John Gordon,	Samuel Clark, and
Samuel Carter,	J. S. Whittem.
A. B. Herbert,	

The gross income of the Charity for the year ending the 31st of December 1853 amounted to 318*l.* 4*s.*, but in consequence of some improvements which are being effected upon a portion of the estate, under the sanction of our Board, it is expected that the income will be shortly increased to about 500*l.* a year.

It appears from the statement of the accounts of the Charity for the same year that the income was distributed by the trustees amongst the poor of Coventry in the following proportions, viz., 73*l.* 6*s.* 8*d.* in coals, 76*l.* 13*s.* 4*d.* in monthly sums of 8*s.* 4*d.* each, 32*l.* in sums of 2*l.* each, 4*l.* in bibles, and 8*l.* for a collation and the accountant's salary, leaving a balance in hand of 327*l.* 8*s.* 8*d.*, which has since that time been expended upon the improvements already alluded to.

We are informed that Samuel Smith, the founder of this Charity, was a dissenter, and that it has been the invariable practice to appoint dissenters only to be its trustees. It will be observed, however, that the founder's will has given no preference to dissenters either as trustees or recipients of this Charity, and it is alleged that the benefits of the Charity are in fact dispensed by the trustees without distinction as to religious creed.

We have thought it sufficient that the mode of distributing this Charity and the selection of the recipients should be placed under permanent regulation in the manner provided by the 29th clause of the proposed scheme, without interfering otherwise with the administration of the Charity by the actual trustees.

AS TO JOHN MOORE'S CHARITY.

John Moore, by will dated 8th September 1729, gave and devised to Joseph Pool Alderman and four other persons certain lands and other real and personal estate upon trust, to pay an annuity of 40*l.* for ever unto and amongst forty persons that should thereafter hold and enjoy any of his said lands and trust estate, to be allowed and deducted out of their yearly rents, and to apply the overplus of the income weekly or yearly to the use and benefit of poor people, inhabitants of the said city of Coventry, and he directed that there should always be five trustees, and that upon the death or removal from Coventry of any one of the five trustees, another trustee should be elected by the survivors within one month to supply his place, and so from time to time as deaths or vacancies should occur.

The trust appears to have been regularly filled by successive appointments up to the present time. Thomas Howell Merridew, Edward Cooper, William Sarjeant, Joseph Hands, and John Cash being the present trustees.

The real and personal property belonging to the Charity produces an annual income of about 548*l.*

In compliance with the founder's will the sum of 40*l.* is remitted annually to forty poor tenants of the trust estate, in sums of 1*l.* each, and after providing for the outgoings and expenses of management, which amount yearly to about 70*l.*, including 20*l.* for a receivers salary, and after defraying the expense of an annual dinner for the trustees the residue of the income is distributed in money or coals amongst poor persons of Coventry.

The following extract from the accounts for the year 1854 will explain the mode of distribution:—

	£	s.	d.
Messrs. Smith, coals, Mr. Merridew's objects - - -	40	9	4
Tickets, poor persons, monies - - -	19	14	0
Mr. Latham, coals, Mr. Cooper's objects - - -	33	5	0
Tickets, poor persons, monies - - -	27	10	0
Mrs. Ayton, coals, Mr. Sarjeant's objects - - -	53	0	6
Tickets, poor persons, monies - - -	7	15	0
Mr. Hands's objects - - -	62	10	0
	244	3	10

The founder of this, as well as of the last preceding Charity, is stated to have been a dissenter, and the trustees have also been invariably chosen from the dissenting body. In this case, however, as well as in that of Samuel Smith's Charity, the trust is for the benefit of the general poor of Coventry, and in neither case has the founder indicated

any preference for dissenters, whether as regards the trustees to be appointed or the objects of the charity.

We consider that the benefits of this Charity may be much extended by the devotion of its whole surplus income to the objects of the General Charitable Fund, which is proposed to be established by the scheme, and the objects of which will be presently explained.

The trustees of both these two last foundations have objected very strongly to their being included in the proposed scheme, and have insisted that these Charities being for the exclusive benefit of dissenters, ought not to be applied to any purpose in connexion with the Established Church. It may be stated in answer to this objection, first, that neither of the Charities can properly be considered to belong exclusively to the dissenting body; and, secondly, that it is not proposed to devote them to any church purpose. It may be added that the dissenting poor will participate equally with the other poor in the benefits to be derived from all the schools and other establishments contemplated by the scheme.

The trustees of Moore's Charity have also made it a subject of strong remonstrance, that the effect of the proposed scheme will be to abolish their functions, and to alienate the property intrusted to their care. The whole of the present trustees are, however, proposed to be retained, though in association with others.

It has been already mentioned that the annual surplus income of the several Dole Charities, under the management of the General Charities Trustees, is thrown into a general fund for the purpose of distribution.

This fund is dealt with and distributed annually in the following manner:—The sum to be disposed of from each Charity is fixed annually at a meeting of the finance committee of the trustees shortly before the period of distribution. The sums thus fixed are then added together, and form an aggregate fund, which is divided into shares equal to the number of trustees, and one share is allotted to each trustee for distribution. Each trustee makes out a list of objects as proposed recipients, with the sums proposed to be assigned to each, and these lists are then submitted to the general body of trustees in the same manner as has been already described with regard to the 4*l*. gifts from Sir Thomas White's Charity.

No particular qualification is required for a recipient beyond that of being an inhabitant of the town, and we are informed that many persons receive the doles every year, and in some cases, where they are needy objects, twice in the year.

Our attention having been especially directed to the Charities of Coventry, with reference not only to the present circumstances of the loan fund under Sir Thomas White's foundation, but also to the numerous and important Dole Charities, we caused an inquiry to be made by one of our inspectors into the whole of the Charities of that city in the month of June 1854.

In the result of that inquiry, and of information obtained from other quarters, we have been enabled to prepare and approve a scheme for the regulation of the several charitable foundations, whose origin and circumstances we have endeavoured to explain in the foregoing statement, and which may be divided into the following three classes; viz., first, the Grammar School and its subsidiary endowments; second, the Loan Charities under Sir Thomas White's and Thomas Wheatley's foundations; and, third, the Dole Charities, including the dole branch of Sir Thomas White's foundation, and the several Charities of William Bird, Thomas Jesson, Thomas Wale, Thomas Crow, William Jelliff, Samuel Smith, and John Moore, already mentioned. We have thought it advisable to confine the present scheme to those Charities which are applicable for the benefit of the general poor of the city of Coventry, omitting such as are limited exclusively to any particular parishes.

It will be observed that the whole of the Charities dealt with by the scheme were formerly under the management of the corporation of Coventry, and are now administered by the municipal trustees of that city, with the exception of the two foundations of Samuel Smith and John Moore, which are under the management of private trustees. It has appeared to us, however, that these two last foundations cannot be distinguished in principle from the other Dole Charities, and that the difference in the constitution of their managing bodies is not a sufficient reason for excluding them from the proposed scheme.

The leading features of the scheme which we have thought it our duty to propose for the regulation of these several Charities are,—

1st. The severance of the mastership of the grammar school from the rectory of St. John, and the establishment of the school itself upon an improved and more comprehensive plan, for the benefit of the inhabitants of Coventry.

2d. The application of the accumulated funds and future income of Sir Thomas White's Loan Charity to other and more beneficial purposes; and,

3d. The abolition of the present indiscriminate distribution of doles, placing under proper regulation the application of part of the funds at present so distributed, and applying the remainder to objects of permanent advantage to the poor of Coventry.

Little argument is needed to prove the expediency of putting an end to the connexion, which now subsists between the mastership of the grammar school and the rectory of the parish of St. John.

The duties of the two offices are obviously incompatible, and whilst held together one or both of them must be inefficiently filled. The difficulty (amounting perhaps to an im-

possibility) of removing the master from the school, so long as he is also rector of the parish (virtute officii), is also a serious objection to the continuance of the existing arrangement.

The propriety of separating the two offices is in fact almost universally admitted, and the only subject of difference is the mode of providing a separate endowment for the living when disunited from the school. This last point, however, appears to us to be concluded by the Act of Parliament, which united the two offices, and thus provided an endowment for the living out of the school estate. That arrangement having been accepted and acted upon under the authority of the legislature for more than one hundred and twenty years, we consider that it cannot now be rescinded on the part of the school, except upon the terms of assigning to the rectory a reasonable provision out of the common endowment.

The scheme accordingly proposes to assign to the future rectors of the parish of St. John a permanent endowment of 300*l.* a year out of the income of the trust estate, and a further yearly sum of 50*l.* in lieu of a residential house. An annuity of 350*l.* and an additional 100*l.* a year for a house is secured to the present rector as a compensation for his services, and also as a consideration for his voluntary retirement from the mastership of the school. The small permanent endowment attached exclusively to the living is proposed to be merged in the school estate.

It is much to be lamented that this arrangement will cause a material reduction of the income of the school. After providing for the proposed annual endowment to be granted to the rector, and the outgoings and expenses of management including the payment of 125*l.* to the present exhibitors, an income of about 450*l.* per annum only, will remain immediately available for the purposes of the school and allowing for the increase to be expected upon the death of the present rector and the dropping of the exhibitions the income will still fall below 700*l.* Unless assistance can be obtained from other sources, therefore, it is much to be apprehended that the funds will be found insufficient to maintain the school in its present condition, whilst they must necessarily be inadequate to the efficient support of an educational establishment, having the improved and comprehensive character contemplated by the scheme.

We have therefore considered that the large unappropriated surplus funds of Sir Thomas White's Loan Charity, which are at present absolutely unemployed, may be properly and beneficially resorted to for furnishing the assistance required by the school.

It appears from the foregoing statement that this surplus fund now consists of accumulations amounting in value to the sum of 20,000*l.*, or thereabouts, in addition to the future quinquennial payments which may be taken as equivalent to an annual revenue of at least 300*l.*

We have considered that these quinquennial payments should be applied in aid of the endowment of the grammar school (which as altered and extended by the scheme we propose to term the Coventry High School), and that the sum of 10,000*l.* should also be appropriated out of the accumulated fund for providing additional buildings, and answering the other purposes of that school.

For the further application of the accumulated fund, the scheme proposes that the permanent fund for loans shall be fixed for the future at the sum of 10,000*l.*, which appears to be admitted on all sides to be sufficient; and for this purpose the sum of about 2,000*l.* will be reserved out of the accumulated fund, in addition to the sum at present actually outstanding on loan.

A further sum of 2,500*l.* is also proposed to be appropriated out of the accumulated fund for erecting and fitting up a ward for the primary benefit of the freemen in the Coventry and Warwickshire Hospital, which is represented to us to be a very valuable institution, now in its infancy, and greatly in want of immediate assistance and support. An annual endowment of 250*l.* is subsequently provided for the support of this ward out of the General Charitable Fund, which will be presently mentioned. With reference to this feature of the proposed scheme, it is observed, that the trustees do not object to some assistance being given to the hospital, in the event of the distribution in doles being discontinued, but they consider that a grant of the principal sum of 1,500*l.*, with an annual endowment of 150*l.*, would be sufficient for the purpose.

The residue of the accumulated fund amounting to the sum of 7,500*l.* or thereabouts, (together with an annual endowment of about 700*l.*, to be provided out of the General Charitable Fund as herein-after mentioned,) is appropriated by the scheme to the erection and establishment of an industrial girl's school for the daughters of poor freemen and other poor inhabitants of Coventry. A limited number of girls to be selected for merit from the other scholars, of the age of thirteen and upwards, are to be supported at this school at the entire expense of the Charity. The education at the school will be entirely free to the children of freemen of Coventry, who will also be entitled to a preference for admission, but a power is given to the trustees to charge a capitation fee of a very limited maximum amount for the children of non-freemen. The establishment of an industrial girls' school of this description is admitted to be greatly required in Coventry, and has met with the approval of the trustees, except that they object to any charge whatever being made to the

children for instruction at the school. In noticing this last objection, it may be sufficient for us to observe, that the scheme merely enables the trustees to impose a small capitation fee upon the children of non-freemen, if circumstances should require it.

Having provided for the future application of the accumulated funds and future income of the loan branch of Sir Thomas White's Charity, the scheme proceeds to deal with the dole portion of the same Charity, and the other dole funds of the Charities already mentioned, by directing that the annual sums hitherto distributed indiscriminately in doles, shall constitute a General Charitable Fund, and be applied to the objects which will be presently mentioned.

The annual amounts to be thus derived from the various Charities, and carried to the account of the General Charitable Fund, may be estimated for the purposes of the scheme in round numbers as follows, viz. :—

Sir Thomas White's Charity,				£
Twenty-four seventieths -	-	-	-	930
Four seventieths -	-	-	-	150
				1,080
Wheatley's Charity -	-	-	-	15
William Bird's Charity -	-	-	-	40
Thomas Jesson's Charity -	-	-	-	180
Thomas Wale's Charity -	-	-	-	190
Thomas Crow's Charity -	-	-	-	40
William Jelliff's Charity -	-	-	-	30
John Moore's Charity -	-	-	-	435
Total -	-	-	-	£2,010

The funds of Samuel Smith's Charity being placed under specific regulation in the hands of its own trustees, are not included in the above estimate.

The General Charitable Fund thus constituted is proposed to be applied as follows, viz. :—

An annual endowment not exceeding 250*l.* is provided for the Freemen's Ward to be added to the Coventry Hospital, as already mentioned.

An annual subscription not exceeding 50*l.* is also proposed to be granted to the Coventry Dispensary, which is represented to us to be an institution of great merit, and productive of much benefit to the poor inhabitants of the city.

An annual sum not exceeding 250*l.* is reserved for distribution by the trustees in fuel, clothing, medicines, and other necessities amongst the deserving poor of Coventry, under such regulations as may secure the selection of proper objects; and provision is also made for the distribution of a similar annual amount in pensions not exceeding 10*l.* each, amongst poor persons under similar regulations.

It is also proposed, that an annual sum not exceeding 250*l.* shall be appropriated to the establishment and support of evening classes to be open after the hours of daily work for the instruction of all poor persons in Coventry, who may be desirous of attending the same; and that a similar annual sum shall be devoted to the establishment of lectures for affording instruction to all classes of the inhabitants of Coventry, principally in those branches of scientific knowledge, which are applicable to the trades and pursuits of the population of that city. We consider, that these evening classes will be the means of providing needful instruction to many adults and others, whose occupations preclude them from obtaining it at other times, and that the proposed lectures are calculated to supply an existing deficiency in the training of the operative classes, which is becoming daily more and more felt. We also think, that the scientific knowledge, which will be placed within the reach of the artisans of Coventry by the establishment of these lectures, may be expected to operate with especial benefit upon the trade and staple manufactures of that city.

The residue of the General Charitable Fund, which may be expected to amount annually to the sum of 710*l.* or thereabouts, is proposed to be devoted to the endowment of the Industrial Girls' School already mentioned.

It is our duty to state that the scheme which has thus been proposed by our Board has met with very general objection and opposition from the trustees of the several Charities, and also from the Town Council and the Freemen and inhabitants of Coventry. These objections have been already considered and discussed to a considerable extent in the foregoing statement; but it may be convenient to recapitulate here the principal objections, and these may be arranged numerically, as follows, viz. :—

- 1st. That the proposed application of the charitable funds in aid of the High School is not required, inasmuch as the present endowment of the school is sufficient.
- 2d. That such an application of the funds is improper, as being in fact an endowment of the rectory at the expense of the Charities.
- 3d. That the appropriation of the loan fund of Sir Thomas White's Charity to the school is an unnecessary and improper departure from the intentions of the founder.

- 4th. That assuming it to be right that a portion of the Charitable Funds should be devoted to educational purposes, the High School proposed by the scheme is not calculated to be beneficial to the freemen and poor of Coventry.
- 5th. That the selection of the charities dealt with by the scheme is capricious and arbitrary.
- 6th. That the abolition of the doles to the extent contemplated by the scheme is unnecessary and undesirable, as well as a violation of the intentions of the several founders; but,
- 7th. That if it be considered proper to limit the present distribution in doles, a larger amount than is fixed by the scheme should be devoted to providing necessities and annuities for the deserving poor.

Our views with regard to the first and second of the above objections have been fully explained by anticipation in the foregoing statement.

The third objection is rested upon what are conceived to be the founders' intentions in favour of the freemen of Coventry; but with reference to this point we have already had occasion to state that Sir Thomas White was not a party to the Trust Deed of the 6th July 1551, and that there is no evidence of his approval or consent having been given to its provisions. It has also been shown that the general relief and advantage of the commonwealth of the city of Coventry were the objects of the Founder's Gift, as expressed by himself; and we consider that, in framing the new scheme for the application of the Loan Fund, which has now become necessary, the general benefit of the inhabitants of Coventry should be consulted. It will be observed, however, that especial advantages at the school are in fact proposed to be given by the scheme to the sons of freemen.

The fourth objection appears to us to have been put forward without a sufficient appreciation of the character and objects of the High School contemplated by the scheme. It is greatly to the credit of the inhabitants of Coventry that extensive provision has of late years been made by them for the elementary instruction of the children of the poorer classes; and we are informed that in the several parishes of that city, elementary schools have been established, affording accommodation for more than 4,000 children. Any further extension of schools of a primary or elementary character is therefore unnecessary, and, if required, means might probably be found for providing such, without resorting to the charitable endowments of the town for the purpose.

However, with the exception of the existing grammar school, there is at present no endowed school of a superior description in Coventry, at which the boys of that town, upon leaving the elementary schools may obtain such further necessary and useful instruction, as may fit them for the pursuits of after life. The High School, which we propose to establish, is intended to supply this want, provision being made for dividing the school into departments, in which instruction of a superior description may be afforded to the boys in various branches of useful knowledge according to the requirements of the several classes attending the school. Objection has been made to the capitation fees authorized by the scheme; but it is to be observed that the trustees are merely empowered to charge such fees within the maximum limits fixed by the scheme, and the payment of these fees may also be remitted by the trustees, if they think fit. It is the object of the scheme, that the school should be accessible to all classes of boys in Coventry, and we consider that it will especially benefit those of the industrial and poorer classes, for whom it will be the means of providing a liberal and most useful education, which would be otherwise wholly unattainable by them.

The answer to the fifth objection will be found in the previous part of this statement. It will be sufficient to repeat here, that we have thought it advisable to confine the operation of the scheme to the Dole Charities of any importance, which are applicable for the benefit of the general poor of the city of Coventry, omitting, all exclusively parochial foundations.

The unsoundness of the objection, that charities belonging exclusively to the dissenting body have been appropriated to the purposes of the scheme, has been already pointed out in that part of the foregoing statement, which relates to Smith's and Moore's Charities.

For an answer to the sixth objection, we beg to refer to our preceding Report, in which the reasons, by which we have been actuated in recommending the abolition of the practice of distributing indiscriminately large annual sums in doles, are stated.

It is to be observed, in addition, that the specific charitable payments directed by the founders of the several charities are retained, and even in some instances increased by the proposed scheme, with the addition of such regulations as may ensure the selection of proper objects, and that the scheme disposes of the annual surplus only, which in all these cases has increased to an amount which could scarcely have been contemplated by the founders in disposing of their property.

We may state in conclusion, with reference to the last of the above objections, that the amounts fixed for annual distribution amongst the poor in necessities and pensions appear to us to be ample, having regard to the other and more important charitable objects contemplated by the scheme.

The scheme, which has been provisionally approved by our Board in accordance with the provisions of the Act, is as follows:—

SCHEME.

AS TO THE FREE GRAMMAR SCHOOL.

Repeal of Act of 7 Geo. II. so far as inconsistent with scheme.

1. So much of an Act of Parliament passed in the seventh year of His late Majesty King George the Second, and intituled "An Act for making the Church of Bablack, in the City of Coventry, a Parish Church, and for appointing a District or Parish thereto, and for enabling the Master and Usher of the Free Grammar School within the said City to be the Rector and Lecturer of the said Parish Church," as may be inconsistent, or at variance with this scheme, is hereby repealed.

Rectory of St. John severed from head mastership of grammar school, and offices of usher and lecturer abolished.

2. The rectory of the parish church of Saint John, in the city of Coventry, is hereby severed from the office of Headmaster of the Free Grammar School, and the offices of Usher of the said school and Lecturer of Saint John are hereby abolished.

Grammar school to be called "The Coventry High School."

3. The said Free Grammar School, as hereby re-constituted, shall be designated "The Coventry High School," and shall be regulated and managed in accordance with the provisions herein-after contained with respect to the same school.

Patronage of rectory.

4. The Reverend Thomas Sheepshanks, clerk, the present head master of the said grammar school, shall cease to be such master, and shall be the first rector of the said parish church of Saint John, under and subject to the provisions of this scheme, and subject to and until any sale which may be made of the said rectory, under the provisions herein-after contained, the right of patronage and presentation to the said rectory shall be vested in the trustees for the time being of the said Grammar School Charity, who are herein-after designated "The Church Charities Trustees," and shall be exerciseable by them or the major part of them duly assembled at a meeting.

Stipend and emoluments of rector.

5. The tithes and permanent endowments attached or belonging to the places or offices of rector and lecturer of the said parish church of St. John respectively, under any trust or instrument of foundation, shall be vested in the Church Charities Trustees, who shall be entitled to recover, receive, and hold the same as part of the estate and property belonging to the said Grammar School Charity; and the said trustees shall pay to the said Thomas Sheepshanks, so long as he shall continue to be such rector as aforesaid, out of the rents and income of the Grammar School Charity, the fixed annual stipend of 350*l.*, and also the further annual sum of 100*l.*, in lieu of a residential house, and by way of compensation for the loss of his office, and for his past services of head master of the grammar school. And the same trustees shall pay to every future rector of the said parish church of Saint John for the time being, out of the rents and income of the said Grammar School Charity, a fixed annual stipend of 300*l.*, by equal half-yearly payments in every year, and also in addition to such annual stipend the further annual sum of 50*l.* in lieu of a residential house until a suitable house for the residence of such rector shall, with the approval of the bishop of the diocese, be erected, purchased, or otherwise acquired by the said Church Charities Trustees, and appropriated by them for the use and occupation of the rector. The stipend payable to the rector for the time being by virtue hereof shall be apportionable upon the avoidance of the said rectory by death or otherwise, and shall be clear of all deductions except for property or income tax; and every rector shall also be at liberty to receive and take for his own use and benefit, in addition to the said stipend, all such fees, pew rents, and payments as are or shall be legally incident to the office or place of rector, and are not otherwise disposed of by this scheme.

Power to sell rectory.

6. The Church Charities Trustees, with the sanction of the Charity Commissioners for England and Wales, shall have power to sell the advowson of the said rectory, or any right of presentation thereto; and the house and premises now occupied by the usher of the said school may also be sold by the same trustees with the like sanction, and the proceeds of any such sale or sales shall be held and applied by such trustees as part of the general trust funds and property of the Grammar School Charity.

Residue of income of grammar school Charity to be applied in support of the high school.

7. All the annual surplus of the rents, profits, and income arising from the estates and property of the Grammar School Charity which shall remain after providing for and satisfying the payments and purposes aforesaid, and the necessary and proper outgoings and expenses of management, shall be held and applied by the Church Charities Trustees, and their successors in office, for or towards the support, maintenance, and benefit of the said Coventry High School in manner herein-after provided.

Estates and property to be otherwise managed and administered by trustees as heretofore.

8. Subject to the provisions of this scheme, the estates and property belonging to or held in trust for the Grammar School Charity shall continue to be held, managed, administered, and applied by the Church Charities Trustees and their successors in the same manner and with the same powers as heretofore.

Scheme as to grammar school not to take effect for three months.

9. None of the provisions of this scheme, with respect to the Grammar School Charity, shall take effect until the expiration of three calendar months next after the scheme shall come into operation.

As to NATHANIEL and HANNAH CRYNES' CHARITY, and certain other subsidiary Charities for the Benefit of the Grammar School.

10. The dividends and income arising from the trust funds held under the respective foundations of Nathaniel Crynes and Hannah Crynes, and the respective annual payments of 3*l.* 6*s.* 8*d.* under Simon Stone's Charity, and of 6*l.* 13*s.* 4*d.* under William Wheate's Charity, for the benefit of scholars or others at the said school, shall respectively be applied and disposed of by the Church Charities Trustees and their successors, as the trustees of the same several Charities, as part of the general income of the said Grammar School Charity.

Cryne's and certain other subsidiary Charities.

AS TO THOMAS LANE'S CHARITY.

11. One-fourth part of the clear net annual income of the Charity founded by the will of Thomas Lane, in the year 1656, shall be applied for the relief of minister's widows of the county of Warwick, and the city and county of the city of Coventry, as directed by the founder, and the remaining three fourth parts of such income shall be applied and disposed of by the said general Charities Trustees and their successors as the trustees of the said last mentioned Charity, as part of the general income of the said Grammar School Charity; and three fourths of the cash balance at the bankers belonging to the said Thomas Lane's Charity shall be paid to and held by the said trustees as part of the said high school hereby constituted. Provided, nevertheless, that the rights and interests of any persons or person who shall be in the enjoyment or receipt of any scholarship, exhibition, or annual payment under any of the Charities herein-before mentioned at the time when this scheme shall come into operation, shall not be in any way impaired or affected by this scheme.

Thomas Lane's Charity.

AS TO SIR THOMAS WHITE'S CHARITY.

12. The loans to be granted out of the funds of Sir Thomas White's Charity by the trustees for the application and distribution of the income of the same Charity, who are herein-after designated "The General Charities Trustees," shall be confined to persons of good character, being freemen of the city of Coventry, between the ages of twenty-one and thirty-five years; and in all other respects the subsisting regulations for the administration of the same Charity shall continue to be observed by the trustees thereof until the same shall be altered or varied by any fresh rules or regulations to be made in pursuance of the provisions next herein-after contained.

Loans from Sir Thomas White's Charity.

13. The General Charities Trustees, with the sanction and approval of the Court of Chancery, or the Board of Charity Commissioners for England and Wales, may from time to time make and prescribe any fresh rules and regulations in relation to the amount and duration of the loans to be granted out of the funds of the said last mentioned Charity. And the nature of the security to be required for such loans, and the time and mode of repayment, and the conditions to be observed by the persons to whom such loans shall be granted, and generally with respect to the conduct and management of the same Charity, provided that no such rules or regulations shall be at variance with the main objects and provisions of this scheme.

Provisions for fresh regulations.

14. The total amount to be applicable in loans at any one time out of the funds of the said last mentioned Charity, including the amount now lent and outstanding on such loans, and for which the trustees now hold subsisting securities, shall be limited henceforth to the sum of 10,000*l.*

Loan fund limited to 10,000*l.*

15. Any balance of the said loan, fund, or sum of 10,000*l.*, which shall exceed the sum of 500*l.*, and which shall not be immediately required for the purpose of loans, shall be invested by the said General Charities Trustees in the Government funds, and placed to an account to be called "The Surplus Loan Fund Investment Account," and the dividends and income arising from all such investments shall be applicable for the purposes of the said loan fund. Provided, nevertheless, that such investments or any of them may at any time be resorted to and employed by the said trustees, if requisite for the purposes of the said loans, and may be converted and realized by them accordingly.

Balance of loan fund exceeding 500*l.* to be invested.

16. The General Charities Trustees, by and out of the trust moneys and funds now in their hands, or subject to their control, which have been accumulated or derived from their receipts in respect of the said loans, and which are hereafter called "The Surplus Loan Trust Fund," shall raise and pay to the Church Charities Trustees the sum of 10,000*l.* sterling; and the same sum (or so much thereof as shall not be applied by the said last-mentioned trustees to any purpose to which the principal funds held for the benefit of the said Coventry High School are authorized to be applied), shall be invested by the same trustees in the public funds, either in the names of some committee of their body, to be called the "Stock Trustees," or at their option, and with the consent of the said Board, in the name of the Official Trustees of Charitable Funds, in trust for the same school. And the dividends and income arising therefrom, shall be applied by the said Church Charities Trustees, for the time being, in aid of the general income applicable for the purposes of the same school.

10,000*l.* to be paid to Church Charities Trustees for purposes of high school.

Trustees may contribute 2,500*l.* to Coventry and Warwickshire Hospital.

17. The General Charities Trustees may raise and pay to the trustees or governors of the institution called "The Coventry and Warwickshire Hospital," out of the said Surplus Loan Trust Fund, any sum or sums of money not exceeding in the whole the sum of 2,500*l.* for the purpose of building or providing and fitting up a ward in the said hospital, to be called Sir Thomas White's Ward, upon such terms and conditions, for the benefit, primarily, of the poor freemen of the city of Coventry, or otherwise, as the General Charities Trustees shall consider fit and expedient.

Residue of Sir Thomas White's accumulated Trust Fund to form part of residuary Charitable Fund.

18. All the residue of the said Surplus Loan Trust Fund, (after setting apart the said first herein-before mentioned sum of 10,000*l.*, and subject to the foregoing provisions for the advance and payment of the said sums of 10,000*l.* and 2,500*l.*,) shall be invested by the said trustees in the public funds, either in the names of some committee of their body, to be called the "Stock Trustees," or with the approval of the said Board in the name of the Official Trustees of Charitable Funds, for the purposes of the General Charitable Fund, herein-after mentioned.

Forty-seventieth of income to be applied for benefit of high school.

19. The forty seventieth parts or shares of the income of Sir Thomas White's Charity now payable or applicable, quinquennially, for the purposes of loans to young men of the city of Coventry aforesaid, shall from thenceforth be paid from time to time by the feoffees or trustees of the same Charity to the said Church Charities Trustees (and their successors), in aid of the income applicable for the support, maintenance, and benefit of the said Coventry High School; and the said last-mentioned trustees shall divide all such payments when and as received into five equal parts, and shall apply one of such fifth parts annually for the support and benefit of the said school as part of the general income thereof, and shall keep the remainder of such payments invested in the public funds until the same shall become applicable as income for the purposes of the said school, under the foregoing provision.

Twenty-four seventieths and four seventieths to form part of General Charitable Fund.

20. The twenty-four seventieth parts or shares of the annual income of Sir Thomas White's Charity, which have been heretofore paid to the General Charities Trustees for distribution in doles or money payments (called four pound gifts), amongst the poor of the city of Coventry; and the four seventieth parts or shares of the same annual income, which have been heretofore paid over to and divided amongst the same trustees, shall respectively henceforth be applied by the same trustees and their successors in aid and as part of the income of the said General Charitable Fund, as herein-after mentioned.

Estates and property to be otherwise held and administered by feoffees as heretofore.

21. Subject to the foregoing provisions, the estates and property of Sir Thomas White's Charity aforesaid shall be managed and administered by the feoffees or trustees of the same Charity, in the same manner, and with the same powers, in all respects as heretofore.

AS TO THOMAS WHEATLEY'S CHARITY.

Wheatley's Charity.

22. The sum of 415*l.* 5*s.*, or any other sum or sums of money now held by the mayor and corporation of the city of Coventry, in trust for the charitable purposes directed by the will of Thomas Wheatley, dated the 6th of March 1566, shall be paid over by the said mayor and corporation unto the General Charities Trustees, with interest at the rate of 4*l.* per centum per annum, from the time when this scheme shall come into operation until the time of payment; and the principal and interest monies to be so paid to the said last-mentioned trustees shall be held and applied by them as part of the said General Charitable Fund, hereby constituted.

AS TO WILLIAM BIRD'S CHARITY.

William Bird's Charity.

23. The clear net annual income arising from the funds and property held by the General Charities Trustees upon the charitable trusts created by William Bird, for the benefit of the poor inhabitants of the city of Coventry, by his will dated the 7th February 1686, after paying or providing for the necessary and proper expenses of management in lieu of being distributed in money payments or doles amongst the poor of the city of Coventry, as heretofore, shall from henceforth be applied by the General Charity Trustees and their successors as the trustees of the same Charity, in aid, and as part of the income of the said General Charitable Fund, as herein-after mentioned.

AS TO THOMAS JESSON'S CHARITY.

Thomas Jesson's Charity.

24. The annual and other income and revenues of the Charity founded by Thomas Jesson, by will dated the 28th of July 1634, which shall remain after defraying or providing for the proper outgoings and expenses of management shall be applied by the said General Charities Trustees, as the trustees of the same Charity as follows, viz., in the payment of the yearly sum of 18*l.* towards placing out as apprentices, or otherwise benefitting or advancing, six poor deserving boys, sons of freemen of the city of Coventry, who shall be selected by the trustees for merit from any school in the city of Coventry; and in the further payment of two yearly sums of 10*l.* each, one of such yearly sums to be distributed by the said trustees annually on St. Thomas's Day, in sums of 1*l.* each among ten poor deserving freemen of the city of Coventry in decayed circumstances, and not being less than sixty

years of age; and the other of such yearly sums of 10*l.* to be distributed by the trustees on the same day in sums of 10*s.* each amongst twenty poor deserving widows resident in the city of Coventry, and not being less than sixty years of age; and in the further payment of the yearly sum of 6*l.* to be distributed by the trustees on the same day in sums of 10*s.* each amongst twelve poor deserving persons of either sex resident in the city of Coventry, and not being less than sixty years of age; and in the further payment of the yearly sum of 12*l.* 8*s.* in providing necessaries to be distributed by the trustees on or about the same day amongst poor deserving persons not less than sixty years of age, resident in the parish of Saint Michael in Coventry; and of the yearly sum of 5*l.* 4*s.*, to be applied and distributed by the trustees in the same manner amongst similar persons resident in Trinity parish, in the same city, provided that the whole of the recipients of the aforesaid several payments shall be selected from time to time by the trustees, or a majority of them, assembled at a meeting; and in the further payment of twenty shillings per annum to the vicar of the parish of St. Michael, in the said city of Coventry, for preaching a sermon annually on St. Thomas's Day, as directed by the founder of the same Charity; and in the payment or distribution of 10*l.* per annum to or amongst the descendants of the four persons named for that purpose in the will of the said founder; and the residue of the said income then remaining shall be applied by the trustees of the last-mentioned Charity in aid and as part of the income of the said General Charitable Fund, as herein-after mentioned.

AS TO THOMAS WALE'S CHARITY.

25. The estates and property belonging to the Charity founded by Thomas Wale, by will dated the 18th April 1625, shall from henceforth be administered as follows, namely: Thomas Wale's Charity.

The annual payment to be made by the General Charities Trustees, as the trustees of the said last-mentioned Charity, out of income and revenues thereof, for the support or benefit of the grammar school founded by the said Thomas Wale, in the parish of Monks Kirby, in the county of Warwick, shall be increased for the future to the clear yearly sum of 120*l.*; and all the residue or surplus of the annual income and revenues of the said last-mentioned Charity (after providing for and paying the said yearly sum of 120*l.*, and also the further annual sum of 40*s.* to be paid by the said trustees to the churchwardens and overseers of the poor of the parish of Brinklow, in the said county of Warwick, as directed by the founder of the same Charity, and the requisite and proper outgoings and expenses of management, shall be held and applied by the same trustees in aid and as part of the income of the said General Charitable Fund, as herein-after mentioned.

26. The said last mentioned school shall be for the instruction and benefit of the children of the inhabitants of the entire parishes of Monks Kirby and Brinklow, and shall be subject to inspection by Her Majesty's Inspectors of Schools. And the said General Charities Trustees, with the sanction and approval of the Board of Charity Commissioners for England and Wales, shall establish suitable rules and regulations with regard to the instruction to be given at the last-mentioned school, and the number, qualifications, and salaries of the masters and teachers, and generally in relation to the management and conduct of the same school, and the masters and scholars thereof, and may from time to time, with the like sanction and approval, alter and vary such rules and regulations. Regulation of Monks Kirby School.

AS TO THOMAS CROW'S CHARITY.

27. The estates and property now vested in or under the management of the General Charities Trustees, as the trustees of the Charity created by Thomas Crowe, by will dated the 17th December 1707, shall from henceforth be administered as follows, viz.:— Thomas Crow's Charity.

The weekly payments of 2*s.*, made by the said trustees out of the income and revenues thereof, for the benefit of eight poor aged or infirm women (either widows or maids) inhabitants of the city of Coventry, above sixty years old, may henceforth be increased by the said trustees, if they so think fit, to any weekly sum not exceeding 6*s.* each. But the poor women to be selected by the trustees, as recipients of this Charity, shall in all other respects, so far as practicable, have the same qualifications as are herein-after provided or directed with regard to the recipients of the annuities to be granted to poor inhabitants of Coventry, and of the General Charitable Fund herein-after constituted. And the annual residue or surplus of such income and revenues, after defraying the necessary and proper outgoings and expenses of management, shall be held and applied by the said trustees and their successors, in aid and as part of the income of the said General Charitable Fund as herein-after mentioned.

AS TO WILLIAM JELIFF'S CHARITY.

28. The estates and property belonging to the Charity founded by William Jelliff, by will dated the 14th March 1681, shall from henceforth be administered as follows, namely:— William Jelliff's Charity.

The net annual income, after providing for outgoings and expenses of management, shall be applied by the trustees in paying annually the sum of 6*s.* 8*d.* to twelve poor deserving householders of the city of Coventry, not being less than sixty years of age, to be selected from time to time by the trustees, or a majority of them, assembled at a meeting, and in paying annually on St. Thomas's day, to the incumbent and churchwardens for the

time being of the parish of the Holy Trinity, Coventry, the sum of 2*l.* 12*s.*, to be applied by such incumbent and churchwardens in providing necessaries for the deserving poor of that parish, and in paying the sum of 10*s.* per annum to the vicar of the parish of the Holy Trinity for preaching a sermon annually on Coventry great fair day, and the residue of such annual income shall be held and applied by the General Charities Trustees, and their successors, as the trustees of the same Charity, in aid and as part of the income of the said General Charitable Fund as herein-after mentioned.

AS TO SAMUEL SMITH'S CHARITY.

Samuel Smith's
Charity.

29. The net income arising from the estates and property of the Charity founded by Samuel Smith, by his will dated the 30th of January 1724, and all accretions or additions thereto, after expending the yearly sum of 4*l.* in providing Bibles to be distributed, as directed by the founder, for the necessary or proper outgoings and expenses of management, shall be expended and applied by the trustees of the same Charity in granting annuities of not less than 10*l.*, and not more than 15*l.* each, to twenty poor inhabitants of the city of Coventry of either sex not in the receipt of parochial relief, being of good character, and incapacitated by age or infirmity from maintaining themselves, who shall from time to time be selected by the same trustees, or a majority of them, assembled at a meeting, and such annuities may be paid by weekly, monthly, or other periodical instalments, as the trustees shall appoint, and the residue of such income shall be expended and applied by the said trustees in providing fuel, clothing, bedding, food, medicines, medical appliances and attendance, and other necessaries for other poor inhabitants of the city of Coventry, having the same qualifications, and to be selected by the trustees in the same manner as last aforesaid.

AS TO JOHN MOORE'S CHARITY.

John Moore's Charity

30. The present continuing trustees of the Charity, founded by John Moore, by will dated the 8th of September 1729, shall be added to the number of the aforesaid General Charities Trustees, for the purposes of this scheme, and during their respective lives or continuance in office, shall respectively have the same powers and privileges as the other General Charities Trustees for the purposes of this scheme; and the said last-mentioned charity shall from henceforth be managed and administered by the said General Charities Trustees for the time being, in accordance with the provisions of this scheme; and all the estates and property of the same Charity shall be vested in and held by the same trustees for the time being accordingly. And the clear annual income arising from the estates and property of the said last-mentioned Charity, after providing for the payment of the annual sum of 1*l.*, as directed by the founder, to each of forty poor tenants occupying any land or tenements belonging to the said Charity, and the necessary and proper outgoings and expenses of management, shall be applied by the said General Charities Trustees in aid and as part of the income of the said General Charitable Fund, as herein-after mentioned.

Provision for continuing the present distribution of seven preceding Charities.

31. Notwithstanding the directions herein-before contained, the General Charities Trustees shall be at liberty to continue any payment or distribution out of all or any of the said seven several last-mentioned charities in favour of any of the existing recipients thereof respectively who from poverty and good character and conduct or other circumstances shall appear to the said trustees to have a claim for the continuance of such payment or distribution.

AS TO THE COVENTRY HIGH SCHOOL ESTABLISHED BY THIS SCHEME.

School-house and
buildings.

32. The Coventry High School shall be carried on under the direction and control of the Church Charities Trustees and their successors; and the school-house and buildings heretofore used for the free grammar school shall be applicable for the purposes of the said high school, subject and according to the provisions of this scheme, and may be altered, added to, adapted, and fitted up by the said trustees for the purposes of the high school, or, if necessary, other school buildings and premises may be erected or provided, upon a plan to be previously approved of by the Board of Charity Commissioners for England and Wales. The school house, master's and usher's residences, and other buildings, with the appurtenances which shall for the time being be appropriated and used for the purposes of the school, shall be maintained and kept in repair, and insured against fire, and all rates and taxes thereon paid by the said trustees out of the general income applicable for the purposes of the school.

Head master and
second master.

33. There shall be a head master and a second master of the high school, who shall respectively be appointed by the Church Charities Trustees, or the majority of them, assembled at a meeting. The Rev. William Drake, clerk, the present usher of the grammar school, shall be the first head master of the high school, subject and according to the provisions of this scheme.

The second master shall be appointed so soon after this scheme comes into operation as in the judgment of the said trustees shall be proper and expedient for the interests of the

school. The head master and second master respectively shall be members of the Church of England, and graduates of one of the Universities of Oxford, Cambridge, Durham, London, or Dublin. And for the purpose of obtaining the services of efficient persons as head master and second master, the said trustees shall, previously to making any appointment, give such notice by advertisement or otherwise, and receive such testimonials as they may deem expedient.

34. The Church Charities Trustees shall pay to the head master and second master respectively out of the income applicable for the support or benefit of the said school by half-yearly payments (independently of the capitation fees herein-after mentioned,) the following fixed annual stipends; that is to say, to the head master the fixed annual stipend or sum of 250*l.*, and to the second master the fixed annual stipend or sum of 150*l.*, and every head master and second master respectively, whose office shall become void in the interval between any two half-yearly days of payment shall be entitled to a due proportion of his stipend and capitation fees from the previous day of payment thereof respectively up to the day of his death, resignation, or removal.

Stipends of head master and second master respectively.

35. Suitable residences shall be provided by the trustees for the head master and second master of the high school; and such head master and second master respectively, during the tenure of their respective offices in accordance with this scheme, shall be deemed to have an estate of freehold by virtue thereof, and shall respectively reside in and occupy the dwelling-houses and premises to be provided for them by the Church Charities Trustees rent free. But such head master and second master respectively shall have the occupation and use of the same premises in respect of their official characters and duties, and not as tenants; and in case of being removed from, or ceasing to hold their respective offices, shall deliver up possession of the same premises to the said trustees, or as they may direct, or the trustees shall be at liberty to take possession thereof.

Head master and second masters' residences.

36. The head master and second master respectively shall not underlet, or permit any person except themselves respectively and their respective families, and the boarders to be taken by them under this scheme, to occupy their official residences, or any part thereof.

Master's residence not to be underlet.

37. The head master and second master respectively shall give their personal attention to the duties of the school, and shall devote their time exclusively thereto, and during their respective tenure of office shall not accept or hold any benefice having the cure of souls or any office or appointment which, in the opinion of the Church Charities Trustees, may interfere with the proper performance of their school duties.

Master and second master not to have other employment.

38. The head master and second master shall be at liberty to receive in their official residences such a number of boys as boarders within the limit herein-after mentioned as the Church Charities Trustees, having regard to the extent of accommodation and the interests of the school, may from time to time authorize or direct; provided that such boarders shall be instructed in the school in common with the other boys, without any distinction whatever, and that the number of boarders to be received at one time shall not exceed thirty for the head master and fifteen for the second master.

Boarders.

39. In addition to the fixed annual stipends payable to the head master and second master respectively as aforesaid, the Church Charities Trustees shall pay to the said head master and second master from time to time by half-yearly payments out of the general income applicable for the support of the school, the following annual sums for boys (not being boarders,) who shall have attended the school for a period of not less than three months during the then preceding half-year, videlicet,—

Capitation payments to masters in addition to fixed stipends.

	To the Head Master. £ s. d.			To the Second Master. £ s. d.		
For every such boy exceeding the number of 50, and not exceeding the number of 150 -	5	0	0	3	0	0
For every such boy exceeding the number of 150	4	0	0	2	0	0

Provided, nevertheless, that the said additional annual payment of 5*l.* for every such boy as aforesaid may be made by the trustees to the said William Drake for the term of five years from the establishment of this scheme, in case he, the said William Drake, shall so long continue to hold the office of head master, although the number of boys who shall have attended the school as aforesaid may for the time being be less than fifty, provided that the total amount of the additional payments to be made to the said William Drake in any one year, by virtue of this last provision, shall not exceed the sum of 150*l.*

40. That when and so often as in the judgment of the said Church Charities Trustees, it shall be considered necessary or proper that the head master or second master of the said school ought to be removed on the ground of immorality, neglect of duty, incapacity, permanent illness or infirmity, or for any other sufficient cause, it shall be lawful for the same trustees to remove any such head master or second master as aforesaid, and to appoint a successor to the person so removed according to the provisions herein contained; provided that the resolution for any such removal shall be adopted by not less than two thirds of the entire number of trustees, and that no such removal shall be valid until approved of by an order of the Board of Charity Commissioners for England and Wales.

Power for trustees to remove master.

Declaration to be signed by master.

41. Every head master and second master respectively, previously to entering into office, shall be required to sign a declaration, to be entered in the minute book of the Church Charities Trustees in the following form :—

"I, _____, declare that I will always to the best of my ability discharge the duties of [head master or second master,] of the Coventry High School during my tenure of the office, according to the provisions of the scheme for the regulation thereof; and that in case I shall be removed from my office by the trustees according to the provisions of the same scheme, I will acquiesce in such removal, and will thereupon relinquish all claim to such office and its future emoluments. And upon such removal, or upon otherwise ceasing to hold my said office, I will deliver up possession of my official residence and its appurtenances to the trustees as they shall direct, or the trustees may take possession of such residence and premises without further notice."

Additional masters and teachers.

42. Whenever the funds in the hands of the Church Charities Trustees shall be sufficient, the head master, with the consent of the said trustees, may appoint any such additional masters or teachers, as in the judgment of the head master and the trustees shall be required for the purposes of the school; and the said trustees may pay to every such additional master or teacher such a reasonable salary or remuneration as they shall see fit. Every such additional master and teacher respectively may be removed or dismissed by the head master at any time with the consent of the said trustees.

Master not to receive other than authorized payments.

43. Neither the head master or second master respectively, nor any additional master or teacher shall receive or demand from any boy in the school, or from any person whomsoever on behalf of any such boy, any gratuity, fee, or payment other than as is prescribed or authorized by this scheme.

Qualification of boys.

44. All boys, being the sons of freemen or of resident inhabitants of the city of Coventry, of the age of eight years and upwards, and able to read and write (unless unfitted by infectious disorder or other sufficient cause), shall, to the extent and capacity of the school, be qualified for admission thereto, and to partake of all the benefits and advantages thereof, subject to the provisions of this scheme, but no boy shall be entitled to remain in the school after he shall have attained the age of eighteen years. The admission and number of the boys, and the period of their continuance in the school, shall be regulated from time to time by the Church Charities Trustees, who may at any time order the admission into the school of boys not being the sons of freemen or of inhabitants of the said city of Coventry, if the accommodation at the school be sufficient for that purpose, having regard to the preference which shall always be given to the sons of such freemen and inhabitants as aforesaid.

Applications for admission.

45. All applications for admission to the school shall be made by the boys, or their respective parents or guardians to the head master, and shall be accompanied by such proofs of their respective qualifications for admission as the Church Charities Trustees may from time to time direct; and the head master shall keep a register of all such applications, and the dates thereof respectively.

Register of boys.

46. A register shall also be kept by the head master of the number, parentage, and description of the boys for the time being in the school, and of the periods of their severally being admitted to and leaving the same; and the register to be kept under this and the foregoing provisions shall always be open to the inspection of the Church Charities Trustees, and of the persons authorized by them to inspect the same respectively.

Suspension and expulsion of boys.

47. The Church Charities Trustees shall have the power of expelling any boy from the school for any breach of the rules, or for immorality, theft, misconduct, or insubordination, or other sufficient cause; and the head master may immediately suspend any boy guilty of any misconduct from further attendance at the school until the case be reported to the said trustees, and decided upon by them.

Capitation fees.

48. The Church Charities Trustees may appoint capitation fees to be paid by boys attending the school, and the amount of such fees may be fixed and determined by the said trustees from time to time, in such manner that the benefits of the school shall be made generally available for the children of freemen and other inhabitants of the city of Coventry of all classes, and so that the maximum amounts of such capitation fees shall be restricted to the following scale, viz. :—

For all boys being the sons of freemen of the said city of Coventry, if under the age of twelve years, a sum not exceeding twenty shillings each per quarter; and at or above the age of twelve years a sum not exceeding twenty-five shillings each per quarter. For all boys being the sons of resident inhabitants of the said city of Coventry, other than freemen, a sum not exceeding twenty-five shillings each per quarter, if under the age of twelve years, and a sum not exceeding thirty shillings each per quarter if at or above that age; and for all boys being the sons of any other persons than freemen or resident inhabitants of the said city of Coventry, a sum not exceeding forty shillings each per quarter, if under the age of twelve years, and a sum not exceeding fifty shillings each per quarter if at or above that age. And all such capitation fees shall be paid in advance quarterly to the Church Charities Trustees, or to any person whom they may from time to time appoint to

receive the same, and shall be held and applied as part of the general income applicable to the purposes of the school. The trustees may also in any special cases suspend or remit the payment of capitation fees by any boy at the school, either wholly or in part on the ground of the poverty of the parents or friends of such boy, or as a reward for merit, or for other sufficient cause.

49. The Church Charities Trustees shall provide all necessary fuel, firing, and lights, and other requisites for the use of the school out of the general income applicable for the purposes thereof; and all printed books and stationery required for the use of the boys at the school, being the sons of freemen of the said city of Coventry, shall also be provided and supplied by the trustees out of such income, subject to any regulations that they may prescribe; but all such books and stationery required for the use of other boys at the school shall be provided at the expense of the parents, relations, or friends of such boys, with liberty nevertheless for the trustees to provide the same either wholly or in part at the expense of the charity in special cases arising from the poverty of the parents or friends of such boys, or as a reward for merit.

Fuel, lights, books, and stationery.

50. The instruction to be afforded in the school shall comprise the principles of the Christian religion, and the reading and study of the holy Scriptures, English literature and composition, the Greek, Latin, French, and German languages and literature, history and geography, writing, and vocal music, mathematics, algebra, arithmetic and book keeping, drawing and designing, practical geometry and mensuration, and the principles of civil engineering, physics, mechanics, chemistry, and the natural sciences, especially with their applications to the industrial and practical arts, and generally such subjects as the Church Charities Trustees shall from time to time prescribe for affording to the scholars a sound, religious, moral, and useful education.

Instruction in upper school.

For the purposes of these several branches of instruction, the school may be divided into such departments or sections as the said trustees or the head master, with their sanction, shall from time to time determine; and the buildings to be provided for or appropriated to the objects of the same school, and the fittings thereof respectively, shall be adapted to the same purposes accordingly.

The said trustees may also from time to time provide out of the income, applicable to the purposes of the school, such instruments, models, drawings, apparatus, and other requisites, and may employ either temporarily or otherwise such lecturers, professors, or teachers as they shall think proper, and as the said funds shall be sufficient to provide for advancing or rendering more effective the instruction to be so given.

51. Suitable prayers, taken from the liturgy of the Church of England, shall be read by the head master or second master every morning and evening in the school; and religious instruction shall be given in the school at such time as the head master shall think fit, by reading and explaining the holy Scriptures to all the boys. But no boy shall be required to receive instruction in any of the distinctive doctrines of the Church of England, or to attend divine service in accordance with the rites of the same church, whose parents, or persons standing in loco parentis (being respectively persons not in communion with that church), shall state in writing to the trustees, or the head master, that they object to such last-mentioned instruction, or such attendance upon conscientious grounds.

Religious instruction.

52. Subject to the provisions herein contained, and to such general regulations as the Church Charities Trustees may from time to time prescribe, the discipline of the school and internal arrangement and regulation and management thereof, shall from time to time be under the direction and control of the head master.

Internal regulations of school.

53. There shall be an annual examination of the boys at the school at such time as shall be appointed by the Church Charities Trustees; and the said trustees shall appoint a suitable examiner, being a graduate of one of the English universities, or of the University of Dublin, to conduct such examination, and may pay the examiner any reasonable sum for his trouble and expenses. And such examination shall take place in the presence of the said trustees, or such of them as can conveniently attend, and of the head master and second master of the school, and such other persons as the said trustees, or the head master, may from time to time invite to attend the same.

Annual examination.

54. The Church Charities Trustees may yearly, upon the occasion of such examination, distribute such suitable prizes as they may think fit, among the meritorious scholars who may distinguish themselves for learning or good conduct, and who in the judgment of the head master of the school and the examiner, shall be most deserving of the same.

Prizes.

55. The Church Charities Trustees shall be at liberty to expend annually, out of the general income, a sum not exceeding 50%, in improving and adding to the library, and in binding the books and keeping them in good condition; and the library shall be placed under the immediate control and care of the head master, who shall permit the boys at the school to have the use thereof, subject to such rules and regulations as shall be made or approved of by the said trustees in that behalf.

Library.

56. Whenever the income and resources of the school will permit, and subject to the provisions herein-before contained, for the protection of the rights and interests of the

Exhibitions.

present exhibitioners or scholars, four exhibitions or scholarships of the respective annual amount of 40*l.* each may be established and paid by the Church Charities Trustees out of the general income applicable for the purposes of the school, in the manner and subject to provisions herein-after contained.

Qualifications for exhibitioners.

57. The said exhibitions or scholarships shall be awarded by the said Church Charities Trustees to boys leaving the school, who upon the occasion of the annual examination, shall be reported by the examiner and the head master to have most distinguished themselves for learning and general proficiency and good conduct at the annual examination at the school, according to the order or priority to be fixed by the said report; and every such exhibition or scholarship may be held for a period not exceeding four years; provided that the exhibitioner or scholar shall so long continue *bonâ fide* to be a resident student at one of the Universities of Oxford or Cambridge, or at some other university in England, or to prosecute his studies elsewhere, with the approbation and to the satisfaction of the said trustees, with the view of fitting himself for the exercise of some liberal profession or calling.

Restrictions as to appointment of exhibitioners.

58. There shall not be more than four exhibitioners or scholars at any one time (including any present exhibitioners or scholars who shall respectively be entitled to retain their appointments; and no more than two exhibitioners or scholars shall be appointed under the provisions of this scheme in any one year.

Provision in case of non-appointment of exhibitioners.

59. The annual amount of any of the said exhibitions or scholarships to which no appointment shall be made under the provisions hereof, shall sink into and form part of the residuary income applicable for the purposes of the said school, and shall be applied by the Church Charities Trustees accordingly in manner herein-after mentioned.

Application of surplus income.

60. The annual income or surplus (if any) of the income and payments applicable for the purposes of the school which shall remain after providing for the several payments and objects directed and contemplated by this scheme, may be applied by the said Church Charities Trustees with the sanction of the said Board of Charity Commissioners for England and Wales, in increasing or augmenting the number or salaries of the masters or teachers of the school, or the number or amount of exhibitions or otherwise for the purposes of the school, and until so applied the same shall be invested by the said trustees in the public funds, either in the names of any committee of their number to be called "The Stock Trustees," or in the names of "The Official Trustees of Charitable Funds," in trust for the purposes aforesaid.

Power to make fresh statutes.

61. The Church Charities Trustees, with the sanction of the Board of Charity Commissioners for England and Wales, shall have power to make fresh rules and ordinances from time to time for the regulation and government of the head master and second master and the other masters and teachers of the school, and their respective salaries and stipends, and of the education of the boys at the school, and of the exhibitions hereby directed to be established, and otherwise touching and concerning the said school, and the property and income applicable for the purposes thereof, so far as such fresh rules and ordinances shall be consistent with the main objects and intentions of this scheme.

AS TO THE GENERAL CHARITABLE FUND.

Application of General Charitable Fund.

62. The General Charitable Fund hereby constituted as aforesaid, and the income thereof shall be held and applied by the said General Charities Trustees and their successors for the following objects and purposes, (*i. e.*)—

Subscription to Coventry and Warwickshire hospital.

First. The said last-mentioned trustees may pay to the trustees or governors of the said Coventry and Warwickshire Hospital out of the said fund an annual subscription or sum, not exceeding 250*l.*, in aid of the funds of the said hospital; and also an annual subscription or sum, not exceeding 50*l.*, in aid of the funds of the institution called the Coventry Dispensary, subject to such terms and conditions as may from time to time be agreed upon or approved by the same trustees, in relation to the same subscriptions respectively, for the benefit primarily of the freemen of the said city of Coventry.

Distribution to poor.

Second. The said General Charities Trustees may also appropriate and apply, out of the same fund, such an annual sum, not exceeding 250*l.*, as the said trustees may from time to time consider expedient in providing fuel, clothing, bedding, food, medicine, medical comforts and appliances, or other necessities to be distributed by the said trustees amongst poor inhabitants of the said city of Coventry, of either sex, being of good character, and not in the receipt of parochial relief, and being incapacitated from age or infirmity from maintaining themselves; such persons to be selected from time to time by the said trustees, or a majority of them, assembled at a meeting, and a preference to be given in all cases to decayed tradespeople, or others of that class, in reduced circumstances, being otherwise qualified, as aforesaid.

Annuities to poor.

Third. The said General Charities Trustees may also appropriate and apply, out of the same fund, a further annual sum, not exceeding 250*l.*, in granting annuities not exceeding 10*l.* each, to poor inhabitants of the said city of Coventry, having

the same qualifications and subject to the same preference as last aforesaid; and such annuities may be paid in such weekly, monthly, or other periodical instalments, as the trustees may appoint. And the said trustees may grant such annuities for such period as they may see fit, and may withdraw any such annuity in the event of the annuitant ceasing in their judgment to be a proper object of the Charity, either from altered circumstances or any other sufficient cause.

Fourth. The said General Charities Trustees may also appropriate and apply, out of the same fund, any annual sum, not exceeding 500*l.*, as a class and lecture fund, for the purposes herein-after directed or provided. Class and lecture fund.

And all the residue or surplus of the said "General Charitable Fund" which shall remain, after providing for the several payments and sums herein-before directed or authorized to be made thereout as aforesaid, to the extent that the same respectively shall be made applicable by the said General Charities Trustees for or towards the establishment and support of the Industrial Girls' School herein-after mentioned, in the manner and subject to the provisions herein-after contained in that behalf; provided, nevertheless, that in the event of such residuary income being or becoming at any time hereafter more than sufficient for the establishment and support of the said last-mentioned school, in accordance with the provisions of this scheme, it shall be lawful for the said General Charities Trustees, upon obtaining the sanction of the Court of Chancery, or of the Board of Charity Commissioners for England and Wales, and subject to such conditions and regulations as shall be approved by such Court or Board, to apply so much of the said residuary income as shall not be required for the purposes of the same school for or towards the support or benefit of the Bablake Boys' Hospital Charity, in the said city of Coventry, or to or for any other educational or charitable object or purposes for the benefit of the poor inhabitants of the same city, which shall be sanctioned or approved of by the said Court or Board. Residue to industrial girls' school.

AS TO THE CLASS AND LECTURE FUND.

63. The General Charities Trustees shall appropriate and apply annually out of the Class and Lecture Fund hereby directed or authorized to be constituted by them as aforesaid, an annual sum not exceeding 250*l.* for or towards the establishment and support of one or more night or evening classes, as herein-after mentioned. Night or evening classes.

64. Every class to be so established shall be held in some convenient room or building within the city of Coventry, to be provided or acquired by the General Charities Trustees for the purpose, upon such days, except Sundays, and at such times after the termination of the ordinary hours of the daily work or business of the operative classes in the said city as shall be determined and fixed from time to time by the said General Charities Trustees, who may make arrangements with the proprietors or managers of any building or institution in the said city for hiring or borrowing the same for the purposes of any such class. Place and time for holding classes.

65. All persons of the manufacturing, working, or poorer classes actually resident in the city of Coventry, shall be admissible to the benefit of the said night or evening classes upon payment of the capitation fees herein-after mentioned, and subject to such rules, regulations, and conditions as shall from time to time be made or prescribed by the said General Charities Trustees. Qualification of pupils at classes.

66. The instruction to be afforded at the night or evening classes shall be in the principles of the Christian religion, reading, writing, spelling, general history and geography, English grammar, arithmetic, book-keeping, vocal music, and such other subjects of general and useful instruction and knowledge as the said General Charities Trustees may from time to time authorize or direct. Instruction at classes.

67. Every person attending any night or evening class shall pay to the said General Charities Trustees, or to any person appointed by them, such a moderate weekly sum or capitation fee, as the said trustees shall from time to time fix and determine for that purpose, but the said trustees may, if they see fit, on the ground of poverty, or other sufficient reason, or as a reward of merit, excuse in special cases the payment of such capitation fee either wholly or in part. Capitation fees.

The amount of such capitation fees shall be applied by the trustees in or towards payment of the salaries of the teachers, and the general expenses of the night or evening classes contemplated by this scheme, and in providing books, apparatus, and other requisites for the purposes of such classes or any of them, and the surplus, if any, shall be invested and accumulated by the said trustees as a reserve fund, and applicable to the general purposes of the said classes.

68. The said General Charities Trustees shall also appropriate and apply annually out of the class and lecture fund aforesaid, an annual sum not exceeding 250*l.* for or towards the establishment and support of lectures as herein-after mentioned. Lectures established.

69. The lectures to be so established shall be given in some convenient room or building in the said city of Coventry to be provided or acquired by the General Charities Trustees for that purpose at such hours and upon such days, except Sundays, as shall be fixed and determined from time to time by the said trustees who may make Place and time for giving lectures.

arrangements with the proprietors or managers of any suitable building or institution in the said city for hiring or borrowing the same for the purposes of such lectures.

Persons entitled to attend lectures. 70. The said lectures shall be open to all inhabitants of the said city of Coventry who shall be desirous of attending the same upon payment of such charges as are herein-after mentioned, and subject to such rules and regulations and conditions as shall from time to time be made or prescribed by the said General Charities Trustees.

Subjects of lectures. 71. The lectures may be either single or in courses, and the object of such lectures shall be to give instruction in the sciences applicable to the practical arts, including especially those adapted to the pursuits of the artisans, mechanics, and operatives of the city of Coventry, and in such other branches of useful general knowledge as the said General Charities Trustees shall from time to time authorize or direct.

Payments for attendance at the lectures. 72. Every person attending any lecture or course of lectures shall pay to the General Charities Trustees, or as they shall direct, such a reasonable sum as shall be fixed by the said trustees from time to time, according to a scale of charges to be determined by them, but the said trustees may, if they see fit, in special cases, excuse any such payment, either wholly or in part on the ground of poverty, peculiar merit, or other sufficient cause.

Application of such payments. 73. All payments to be received under the last foregoing provision shall be applied by the trustees in or towards payment of the salaries of the lecturers, and the general expenses incident to the lectures, and in purchasing or providing scientific instruments and apparatus, diagrams, maps, plates, books, and other requisites for the purposes of such lectures or any of them, and the surplus, if any, shall be invested and accumulated by the said trustees as a reserve fund, and applicable to the general purposes of the said lectures.

Appointment of teachers for classes and lecturers. 74. Proper qualified persons shall be appointed by the said General Charities Trustees as teachers for the said night or evening classes, and as lecturers for giving the lectures aforesaid, and all such persons shall be removable by the said trustees at pleasure; and the number of such trustees and lecturers respectively, and the amount of their respective salaries or remuneration, shall be fixed and determined from time to time by the trustees as they may consider expedient, having regard to the amount of the funds at their disposal and other circumstances.

Trustees may make regulations. 75. Subject to the provisions herein contained, the said General Charities Trustees may from time to time make such rules and give such directions as they shall think fit and expedient for the regulation, conduct, and management of the aforesaid classes and lectures respectively, and the teachers and lecturers appointed thereto, and the pupils and persons attending the same respectively, and for preserving proper order and discipline, and generally with relation thereto.

AS TO THE INDUSTRIAL GIRLS SCHOOL

Established by this Scheme.

Industrial girls school to be established. 76. An Industrial Girls School shall be established and maintained by the General Charities Trustees, subject and according to the provisions of this scheme; and the said trustees may expend and apply, out of the monies or funds applicable for the purposes of the "General Charitable Fund" herein-before constituted, such a principal sum as shall be approved by the Board of Charity Commissioners for England and Wales, in the purchase or acquisition of a suitable site for such school in or near the city of Coventry, and the erection, construction, and fitting up of proper buildings and appurtenances for the purposes of the same school.

Matron, teachers, and attendants. 77. The establishment of the said last-mentioned school shall consist of a resident matron, and so many teachers and attendants as in the judgment of the General Charities Trustees shall for the time being, be necessary or proper, having regard to the requirements of the school, and the extent of the funds and resources available for its support.

Day scholars 78. All girls the children of poor freemen or poor inhabitants of the city of Coventry, of the age of six years and upwards, being of good character and able to read (unless unfitted by infectious disorder or other sufficient cause), shall to the extent and capacity of the school be capable of admission thereto as day scholars, and the admission and number of the day scholars and the period of their continuance in the school shall be subject to the control and regulation of the General Charities Trustees, but, *ceteris paribus*, the children of poor freemen shall be entitled to a preference for admission to the said school.

Foundation scholars. 79. The General Charities Trustees shall appoint from amongst the day scholars attending the school so many foundation scholars, not exceeding the number of twenty in the first instance, as the funds and resources of the Charity will permit. Provided, that every such foundation scholar shall at the time of her appointment be of the age of thirteen years or upwards, and shall have regularly attended the school as a day scholar for a period of not less than two years. The foundation scholars shall be selected and appointed for merit and good conduct from amongst the day scholars attending the school upon an examination to be held from time to time at the school for that purpose by or under the

direction of the said trustees. The foundation scholars shall be respectively appointed for such term not exceeding four years, and subject to such regulations and conditions as the said trustees may from time to time direct and prescribe. The foundation scholars during the period of their respective appointments shall respectively be clothed, educated, and lodged and boarded in the school premises at the entire expense of the Charity, and the said trustees, if they so think fit, may in special cases of merit or good conduct, award to any foundation or other scholar, upon leaving the school, a suitable donation or outfit in money or clothing out of the funds of the Charity, subject to such regulations as the trustees may from time to time prescribe. The number of foundation scholars may also be increased by the said trustees, with the sanction of the Board of Charity Commissioners for England and Wales, beyond the said number of twenty, whenever the available funds and resources of the Charity will permit, consistently with the preservation and retention of the other objects of the school.

80. Instruction shall be given in the school to all the girls in the principles of the Christian religion, reading, writing, spelling, vocal music, general history geography, English grammar, arithmetic, needlework, sewing, cutting out and making up of clothes, and such other subjects of instruction as the General Charities Trustees may from time to time authorize or direct, with the view of providing a sound moral, religious, and useful education, adapted for girls of the working, labouring, and other poorer classes. General instruction.

81. In addition to the instruction last aforesaid, arrangements shall be made by the trustees for providing and giving practical instruction to the foundation scholars, and so many of the day scholars as circumstances will permit, in cooking, washing, ironing, and other domestic duties in the kitchens and offices and rooms belonging to the school; and needlework, washing, and ironing, may also be taken in and done at the school, according to such scale of charges, and subject to such regulations as shall be fixed and prescribed by the trustees, and all payments to be received under this provision shall be carried to the General Income Account of the school. Industrial instruction.

82. The General Charities Trustees may, if they think fit, appoint capitation fees to be paid by day scholars attending the school not being the children of freemen of the said city of Coventry, according to a scale to be fixed from time to time by the said trustees, but not to exceed for girls under ten years of age the maximum sum of 4s. per quarter, and for girls of ten years and upwards the maximum sum of 6s. per quarter, and the said trustees may direct that such capitation fees shall be paid weekly or monthly, and they may on the ground of poverty or peculiar merit, or other sufficient reason, excuse the payment thereof, either wholly or in part. All payments for such capitation fees shall be carried by the trustees to the General Income account of the school. Capitation fees.

83. Subject to the provisions and directions herein contained the General Charities Trustees may from time to time make rules and regulations for the order and government of the school, and the matron, teachers, attendants, and scholars thereof, and as to the salaries and emoluments of such matron, teachers, and attendants respectively, and the number of the girls to be received in the school, and generally for the administration and management of the school and its funds; provided that such rules or regulations shall not be at variance or inconsistent with the general objects and intentions of this scheme. Trustees may make orders and regulations.

84. If any doubt or question shall arise amongst the trustees or any of them as to the construction or proper application of any of the provisions of this scheme, application may be made by the said trustees or a majority of them to the Charity Commissioners for England and Wales, for their opinion and advice thereon, which opinion or advice, when given upon such application, shall be binding on the trustees. Doubts or disputes may be referred to Charity Commissioners.

85. This scheme shall be printed and a copy given to every Church Charities Trustee and General Charities Trustee, and to every head master, second master, assistant master, and matron of the respective schools. Scheme to be printed.

No. 6.

The CASE of "The FREE GRAMMAR SCHOOL" and "SIR THOMAS WHITE'S CHARITY," in the Town of Nottingham.

AS TO "THE FREE GRAMMAR SCHOOL."

This school was founded and endowed by Dame Agnes Mellers, by virtue of Letters Patent, dated the 22d of November, 4 Henry VIII., as a free school, of one master and one usher, for teaching grammar, within the town of Nottingham, to be called "The Free School of the Town of Nottingham;" and the said Agnes Mellers ordained that the mayor, aldermen, and common council of the town of Nottingham and their successors should yearly choose two discreet persons, burgesses of the said town, to be guardians of the school and its possessions: and she directed that the said mayor, aldermen, and common council, with the guardians of the said school, or eight of them at the least, (whereof the mayor and guardians should be three,) should, after the decease or removal of the then master, hire one other able person to be master of the said free school, and also an usher, as soon as the lands and possessions given to the said free school would support the charges thereof, and take and put in others in his and their stead from time to time as often as they should think necessary; and she ordained that it should be lawful for the said mayor, aldermen, and common council, and their successors from time to time to make statutes and ordinances for the governance of the said school, and to repeal the same as they should think most necessary, so that such statutes and ordinances should not be in anywise contrary to the statutes and ordinances made by her in her lifetime.

The school received some further endowments from subsequent benefactors, and its property now consists of houses and land and other real estate situate in and near Nottingham, and producing a gross annual income of 880*l.*, or thereabouts. From this must be deducted the annual payments for interest and other outgoings, and the expenses of repairs and management, which amounted for the year 1854 to nearly 400*l.*

A debt of 3,000*l.* is now owing from the school estate to Sir Thomas White's Charity, upon which debt interest is charged to the school at 3*l.* per centum per annum.

The school continued under the management of the corporation of Nottingham until the passing of the Municipal Corporation Act, when it was placed under the control of the Charitable Trustees of the borough of Nottingham, who were appointed by the Lord Chancellor under the provisions of that Act.

The number of the trustees is at present twelve.

The existing school buildings are placed in a confined and somewhat inconvenient situation in the town of Nottingham, and are represented to be barely adequate to the accommodation of the present number of 80 scholars. The site, however, is stated to be suitable for business purposes, and might probably be sold at considerable advantage for the benefit of the school.

The trustees have been desirous of transferring the school to a more healthy and convenient site, and with that object they some time since obtained an allotment of about an acre and a half of land in the outskirts of the town of Nottingham, which is stated to be well adapted for the purposes of a new school.

The Reverend William Butler is the present master of the school, having been appointed by the corporation of Nottingham in the year 1853, and having held the office ever since.

In the year 1849 the trustees, in exercise of the power of making statutes given to them by the founder, established a series of fresh rules for the regulation of the school. By these rules the number of free scholars was fixed at 80, and the school was divided into two separate branches, consisting of a classical department and a preparatory or English department.

The rules also prescribed the duties of the several masters and the nature of the instruction to be given at the school, and fixed a quarterly payment of 10*s.* 6*d.* to be made by each boy in the classical department, for instruction in writing, arithmetic, practical mensuration, and algebra.

Under these rules the establishment of the school has consisted of 80 boys and four permanent masters, besides teachers of French, German, and Drawing, at the following salaries:—

	<i>£</i>	<i>s.</i>	<i>d.</i>
Head Master - - - - -	180	0	0
Usher - - - - -	145	0	0
Writing Master - - - - -	135	0	0
Assistant Writing Master - - - - -	120	0	0
French Master - - - - -	12	10	0
German Master - - - - -	12	10	0
Drawing Master - - - - -	10	0	0

.. The sons of inhabitants of Nottingham are entitled to admission at the school, and there are 40 scholars in each of the two departments of the school. The boys in the

classical department pay a capitation fee of two guineas per annum and five shillings upon entrance. The instruction in the English department is wholly free.

The master, Mr. Butler, has recently called in question the power of the trustees to make any rule establishing additional masters to be paid out of the funds of the Charity, on the ground that the foundation provided for the maintenance of a school consisting of one master and one usher only. The office of assistant writing master having become vacant in the course of last year, an application was made to our Board by Mr. Butler, bringing this question prominently forward for our consideration, and the trustees at our request consented to suspend the appointment until an investigation of the circumstances should have been made.

It is undoubtedly desirable that the trustees should be enabled to appoint a sufficient number of masters for the purposes of the school; but their authority to do this under the terms of the original foundation may possibly be open to question, and we think that any doubt on this point should be removed. We also consider that (concurrently with the arrangement herein-after proposed with respect to Sir Thomas White's Charity) a scheme may now be conveniently and beneficially established, enabling the trustees with the sanction of this Board to make suitable rules providing for the development and expansion of the school in such a direction as may meet the growing requirements of the town of Nottingham.

AS TO SIR THOMAS WHITE'S CHARITY.

The origin and nature of this Charity have been fully explained in the statement of the case of the Coventry Charities, contained in a former part of this Appendix, to which we beg to refer.

According to the directions of the Trust Deed of 6th July 1551 (the provisions of which are fully set out in that statement) 40/70ths of the income of the Trust Estate (amounting to the sum of 1,500*l.* or thereabouts) are paid by the feoffees every fifth year to the Charitable Trustees of Nottingham, who act in the administration of the Charity, so far as it relates to that town, for the purpose of being applied by them in loans.

The total amount at present outstanding on loans in Nottingham, is 17,381*l.* 19*s.* 5*d.*, and there is also an unemployed balance of 4,852*l.* 2*s.* 11*d.* applicable to the purposes of the loan fund.

The sum of 3,000*l.*, part of this balance, is lent to the Grammar School Charity at interest, at 3*l.* per cent. per annum, as already mentioned. A further portion of this balance is invested in the sum of 1,228*l.* 14*s.*, 3*l.* per cent. consols, in the names of two of the trustees, and the residue is kept at the bankers to meet the ordinary requirements of the Charity.

By an order of the Court of Chancery, dated the 24th of May 1850, the loans are directed to be granted in sums varying from 50*l.* to 100*l.*

The money is lent for absolute terms of nine years, as directed by the trust deed, and the borrower is required to find two sufficient sureties to join in a bond with himself for the repayment of the loan at the end of that period. The sureties in these cases are frequently called upon to pay the money on behalf of their principals, and there is a very general reluctance amongst the substantial inhabitants of Nottingham to incur this liability, lasting, as it does, for so long a period as nine years.

For this reason we are informed by the trustees that it has been found difficult to place out the loans amongst the class of persons designated in the deed of foundation, who, it will be remembered, were to be *young* men of good name and fame. The loans in Nottingham have, in fact, been habitually granted by the trustees without reference to age, and we have been informed by the chairman of the trustees, that out of the sum of 17,381*l.* 19*s.* 5*d.* now outstanding in loans, at least 5,600*l.* is found upon examination to have been lent to persons above the age of 35 years.

If the amount thus improperly lent were called in, the amount now employed for the purposes of the Charity would be reduced to less than 12,000*l.*, and the present unemployed balance would be found to exceed the sum of 10,400*l.*

We have also reason to believe that the loans have not unfrequently been granted to persons whose circumstances in life did not qualify them to be proper objects of charity, as an instance of which, it may be mentioned, that we have been informed that a loan from this Charity was applied for and obtained on one occasion, by a person who devoted it to the purchase of wine to be kept during the nine years.

Under the foregoing circumstances it appeared to us, that a portion of the funds of the Loan Charity may be usefully applied to some other charitable purpose for the general benefit of the town of Nottingham; and we proposed, with the concurrence of the trustees of both the Charities, that the amount of the loan fund should be limited for the future to a sum sufficient to satisfy any future probable demand for loans, and that after retaining a sufficient sum annually out of the accruing payments to provide for the expenses of management, and the average loss, the residue of the Loan Charity funds should be applied in aid of the endowment of the grammar school. We also considered, that the scheme for carrying the above arrangement into effect should provide for the future regulation of the Loan Charity by confining it to the class of persons contemplated by the founder, and also by facilitating and improving the arrangement for administering the loans.

In furtherance of these views it was originally proposed to limit the loan fund to 15,000*l.* which the trustees concurred with us in considering to be a sufficient amount; and with the concurrence of the trustees we also proposed that the annual sum of 100*l.* should be retained out of the accruing payments to meet the expenses of management and the losses out of the money lent, which must occasionally occur.

After some hesitation the Town Council of Nottingham came to the resolution of opposing this scheme, on the alleged ground that the whole of the loan fund was or would be required for the purposes of the original trust, and that no part of it could properly be diverted to any other object.

In support of this opinion it has been alleged by the Town Council that the existence of the Loan Charity has not hitherto been sufficiently known in the town of Nottingham, and that if the requisite publicity were extended to it, and facilities were also given for the repayment of the loans by instalments, the whole available funds of the Charity, including all prospective increase might be expected to be fully absorbed.

The past experience of the operation of this Charity does not lead us to believe, that the expectation thus expressed would be realized. Although the trustees have not been in the regular habit of advertising the loans in the local newspapers, it is difficult to suppose, that the existence of this ancient Charity (the management of which is vested in the municipal trustees of the town) is not generally and sufficiently known amongst the inhabitants of Nottingham, and we think, that there are no solid grounds for believing that an alteration in the period or mode of repayment would produce any material effect in increasing the demand for loans.

Although not sharing in the opinions expressed by the Town Council, we have endeavoured to meet their views to some extent, by increasing the sum to be fixed for the loan fund to 18,000*l.*, with a further power of raising it, if necessary, to 20,000*l.*, which last sum we consider must be sufficient to meet any demands for loans, which can possible occur. The annual sum reserved for the purposes of the Loan Charity out of the future accruing payments is also to be increased from 100*l.* to 150*l.*

We have reason to think that the scheme as modified will substantially satisfy the wishes of the Town Council.

It is unnecessary to advert with any degree of particularity to the probable advantages of the change in the administration of these Charities, which we have thought it our duty to propose, but it may be observed, that Loan Charities in spite of every precaution on the part of the administrators are found to be liable to great abuse, and when carried to a great extent, they must be attended with very doubtful advantage, and the original trust of Sir Thomas White's Charity having expressly contemplated the promotion and benefit of young persons of the town of Nottingham, the proposed application of the surplus funds to the education of its youth, appears to be in accordance with the object and spirit of the foundation.

Under the foregoing circumstances we have proceeded to approve of the following scheme for the regulation of these two Charities in the manner prescribed by the Act.

SCHEME

For the application and management of the Charities in the Town of Nottingham, called or known as SIR THOMAS WHITE'S CHARITY (so far as relates to the Nottingham Branch thereof), and THE FREE GRAMMAR SCHOOL of the Foundation of AGNES MELLERS and others.

1. The above-mentioned Charities and their respective estates, income, and property, shall continue to be managed, received, and administered by the present trustees thereof and their legal successors in the same manner and with the same powers as heretofore, subject and according to the provisions of this scheme. Charities to be administered by trustees as heretofore, subject to provisions of scheme.

2. The loans to be granted in future out of the funds of the above-mentioned branch of Sir Thomas White's Charity by the trustees thereof, shall be confined to persons of good character, being resident inhabitants of the town of Nottingham, between the ages of 21 and 35 years; and the trustees of the said last-mentioned Charity, with the sanction and approval of the Board of Charity Commissioners for England and Wales, shall forthwith make and prescribe suitable rules and regulations in relation to the amount and duration of the loans to be granted out of the funds of the same Charity and the nature of the security to be required for such loans, and the mode and period of their repayment either by periodical instalments or otherwise, and the conditions and qualifications to be observed or required by or from the persons to whom such loans shall be granted and for ensuring due publicity with regard to the amount which shall for the time being be disposable in loans by advertising and other suitable means, and generally with respect to the conduct and management of the same Charity, and may from time to time with the like sanction or approval vary such rules and regulations, provided that no such rules or regulations shall be at variance with the main objects and provisions of this scheme. Future regulations of loans from Sir Thomas White's Charity.
Provision for fresh regulations.

3. The debt of 3,000*l.* now due to Sir Thomas White's Charity from the Grammar School Charity is hereby extinguished, and the total amount to be applicable in loans at any one time out of the funds or income by Sir Thomas White's Charity, including the amount actually lent and outstanding on loans, shall be fixed for the future at the sum Loan Fund restricted to 18,000*l.*

of eighteen thousand pounds, subject to the provision herein-after contained for the eventual increase of such sum to twenty thousand pounds.

Balance of loan fund exceeding 500*l.* to be invested.

4. In case at any time or times hereafter there shall be any balance of the said loan fund of eighteen thousand pounds exceeding the sum of five hundred pounds, which shall not be immediately required for the purpose of loans, such balance shall be invested by the said trustees in the names of some four of their number in the Government funds, and placed to an account to be called "The Surplus Loan Fund Investment Account," and the dividends and income to arise from any balance which shall be so invested shall be treated as part of the income applicable to the general purposes of Sir Thomas White's Charity, provided nevertheless that all or any of the investments to be made in pursuance of this provision may at any time be resorted to and made available by the trustees (if requisite) for the purpose of loans, and may be converted and realized by them for that purpose accordingly.

Application of future income of Sir Thomas White's Charity.

5. So soon as the amount of the Loan Fund, including the amount for the time being lent and outstanding on loans, shall be made up by future receipts to the sum of eighteen thousand pounds, the quinquennial payments and other income thereafter to become payable to the said trustees in respect of Sir Thomas White's charity shall be divided by them when and as received into five equal parts, and one of such fifth parts shall be applied by them annually as income for the purposes herein-after mentioned, and the remaining fifth parts shall be laid out and invested by the said trustees at interest upon suitable and sufficient securities, and shall be placed to an account to be called "The Quinquennial Payments Account" until the same shall be required to be converted and applied as income out of the said one-fifth part of the said quinquennial payments applicable annually as income, the sum of one hundred and fifty pounds shall be appropriated by the said trustees for defraying the reasonable and proper expenses of management of Sir Thomas White's Charity, and so much (if any) of the said sum of one hundred and fifty pounds as may not be required for defraying the expenses aforesaid, shall be invested by the said trustees and added to the aforesaid "Surplus Loan Fund Investment Account," and the residue of the said fifth part of the said quinquennial payments which shall remain after the appropriation thereof of the said last-mentioned sum of one hundred and fifty pounds shall be applied by the said trustees as part of the general income of the Grammar School Charity.

Loan fund may be increased to 20,600*l.*

6. Notwithstanding the provisions herein-before contained, in case the said loan fund or sum of 18,000*l.* shall at any time hereafter be found insufficient for the purposes of the Loan Charity, either from the increased demand for loans or from other causes, the trustees, with the sanction and approval of the said board, may from time to time appropriate and apply all or any part of the quinquennial payments or other income to become due or payable to them in respect of Sir Thomas White's Charity, in augmentation of such loan fund, until the same shall amount to the full sum of 20,000*l.*, and the loan fund so augmented shall remain, and be held and applied by the said trustees for the purposes of the said loans, in the same manner and subject to the same provisions as are herein expressed and contained with regard to the said loan fund or sum of 18,000*l.*

Alterations and additions in school buildings.

7. The trustees, with the sanction of the Court of Chancery or of the said Board of Charity Commissioners for England and Wales, may sell, exchange, or otherwise dispose of the present master's house and school buildings and appurtenances attached or belonging to the grammar school aforesaid, which premises shall from henceforth be freed and discharged from the present payment of two shillings per annum to the Corporation of Nottingham, and may erect and fit upon another suitable site, to be appropriated or acquired by the trustees for that purpose, in or near the town of Nottingham, other buildings, masters' residences, schoolrooms, playgrounds, and premises suitable for the new school hereby contemplated, and the funds to be required for the above purposes may be provided or raised by the trustees in such manner as the said Court or Board may authorize or direct.

Trustees, with sanction of Court of Chancery, or Charity Commissioners, may establish rules for government of school.

8. The present grammar school shall be transferred to the new school buildings when erected and fitted up as aforesaid, and such school shall be called "The Nottingham High School of the Foundation of Agnes Millers and Sir Thomas White and others," and the object of such school shall be to provide for the sons of inhabitants of the town of Nottingham a sound classical, commercial, and generally useful education at a moderate cost; and the said trustees, with the sanction and approval of the said board, shall make and establish proper rules and regulations with regard to the nature of the instruction to be given at the same school, and for dividing the same, if found necessary or proper, for the purposes of convenient instruction, into separate departments or sections, and for the appointment of such masters, teachers, and instructors as may be required for the same school, and generally for the constitution, government, and conduct of the school and the masters and scholars thereof, and also, whenever practicable and expedient, for the establishment and payment of suitable exhibitions or scholarships to be connected therewith, and, with the like sanction and approval, may from time to time vary or modify such rules and regulations, or any of them.

No. 7.

The CASE of the HOSPITAL of LORD HASTINGS of LOUGHBOROUGH, at Stoke Poges, in the County of Bucks.

This hospital was founded and endowed by Lord Hastings of Loughborough, in the reign of Philip and Mary.

By an Act of Parliament passed in the 4th and 5th Philip and Mary, intituled "An Act for the Foundation of the Hospital of Stoke Poges, in the County of Bucks," reciting that Lord Hastings of Loughborough intended to found at Stoke Poges aforesaid one hospital, of one master, four poor men, and two poor women, there for ever to pray, according to such ordinances, rules, and statutes, as the said Lord Hastings in his lifetime, or such as he should by his will appoint, should thereafter declare; and that he intended that the master of the said hospital should be a priest of honest and godly conversation, and that for the maintenance of the said master, poor men and women, he intended to endow the hospital with lands and hereditaments of the yearly value of one hundred marks, or thereabouts. It was amongst other things enacted, that the said Lord Hastings, his heirs, executors, and administrators, or such person or persons as the said Lord Hastings, by writing under his seal in his lifetime, or by his last will, should appoint, should and might establish and erect within the parish of Stoke Poges one hospital, of one master and four poor men, either sole or married, and two poor women, sole and unmarried, which master should be a priest in holy orders; and that the said master, poor men and women, should be appointed by the said Lord Hastings, his heirs, executors, administrators, or such person or persons as he should appoint, and should have such stipend and ways to their living in the said hospital as by the statutes should be limited by the said Lord Hastings, his executors or assigns, and that the said hospital should be called the Hospital of the Lord Hastings of Loughborough, founded in Stoke Poges, in the county of Bucks; and that the master, poor men, and poor women should be called the master, brethren, and sisters of the said hospital, and should be a body corporate and have perpetual succession for ever, and be able to have capacity in the law, and should have a common seal to seal any instrument touching the same corporation: and reciting that the said Lord Hastings was seized of a certain rent of 53*l.* 9*s.* 10½*d.* in fee simple, after the death of Elizabeth Warner, issuing out of the manor of Michael Creech, in the county of Somerset, with power of distress in case of nonpayment; it was enacted, that the said master, brethren and sisters, should have and enjoy the same to them and their successors for ever, after the death of the said Elizabeth Warner, in such manner and form as the said Lord Hastings might have enjoyed the same, and that the master, brethren, and sisters, might hold manors, lands, tenements, or hereditaments (besides the yearly rent above mentioned), amounting to the clear yearly value of 20 marks; and that the said Lord Hastings, or such other as he should appoint, might make statutes, rules, and ordinances, for the governance of the said master, brethren, and sisters, of the said hospital and of the possessions belonging thereto, and might from time to time alter and reform the same statutes, or add to or abridge the same, as to the said Lord Hastings, or such as he should appoint, should seem expedient. And it was further enacted, that the said Lord Hastings and his heirs, after the said corporation should be fully founded, should be taken and deemed to be in perpetuity the true and only patrons of the said hospital, and by virtue of that patronage should have power, as often as the said hospital should be void of a master, to appoint a sufficient priest as aforesaid to enjoy the said office during his life; and as often as the said hospital should be void of the said four poor men and two poor women, the master of the said hospital, the vicar of the parish of Stoke Poges, and the churchwardens of the said parish for the time being, or the majority of them, after the death of the said Lord Hastings, might elect such poor men and women as should be most convenient to supply the places void, to be chosen according to the intent of the said statutes. And it was further enacted, that the Dean of Windsor and the Provost of Eton for the time being, or one of them, should and might from time to time, for ever, as often as they should think necessary, visit the said hospital, and thereupon move and dispose the master or any of the brethren and sisters for any offence to be committed by any of them against the rules and statutes of the said hospital; and that the visitors should, within two months after such deprivation, give notice to the Lord Hastings or the then patron of the said hospital, and to such persons as should have the nomination of the said master, brethren, and sisters.

The hospital having been built, Lord Hastings, in April 1564, made statutes for the government thereof, which are 34 in number. Several of these may be omitted: the most important are those numbered as follows:

1. That there should be one master of the said hospital, a man of conversation, discreet, and of good fame, in holy orders and a priest, who should have the government of the said hospital, the order of the revenue, and goods whatsoever they should be, and the rule of the persons in the said hospital; which master should be

chosen and appointed by him the said founder during his life, and afterwards by his heir or heirs for the time being, or the visitors, or one of them.

2. That there should be at all times four poor men, called the brethren, of the age of 50 years and upwards, honest and quiet men, disposed to serve God in prayer and good conversation, to be chosen as before declared by the master, and who, being so named, should by the master be presented to the visitors, or one of them.
3. That there should be two poor women, called sisters of the hospital, of good and honest fame, to be chosen as aforesaid.
4. That the master, brethren, and sisters, so admitted and sworn, should continue in the said house, and enjoy all commodities for them appointed during their natural lives, unless for their just desert they should be expelled.
5. That the master should receive yearly for his portion out of the revenue of the said house the sum of 10*l.*, to be paid quarterly, each brother for his portion 5*l.*, and each sister for her portion 4*l.*; the payment as well of the masters as of the brethren and sisters' portions to be made at the beginning of each quarter.
6. That they should keep one common table in the hall of the hospital, where the master, brethren, and sisters, should take their meal at hours convenient to be appointed by the master, with other regulations relative to their meals.
7. That out of the revenue the master, each brother and sister, should have yearly a livery, all of one colour, the master to have for his livery four yards of cloth at 6*s.* 8*d.* the yard, and each brother and sister three yards of 5*s.* the yard.
8. That there should be a chest, called the common box, with three keys, one to be kept by him the founder during his life, another by one of the visitors, and the third by the master, into which all sums of money belonging to the house should be put, unto which the master should contribute at the beginning of the quarter 2*s.*, each brother 20*d.*, and each sister 1*s.*, the same to be employed upon them in sickness, if need should be, or upon the necessaries of the hospital, as the case should require, as reparations, following lawsuits, if any should happen, or necessary business of the house.
9. That the master should receive the revenue, and once a year make a just account of it to the founder during his life, and afterwards to his heir, the visitors, or one of them, at the said hospital, or where his heir and the visitors should appoint; the day of account to be the last day of December.
12. That there should be allowed to the master and brethren sufficient fuel, to be provided out of the common revenue.
14. That no brother or sister should lie out of the hospital without leave of the master, if he should be at home, and that none of them should go out of the circuit of the parish of Stoke without his leave, on pain of forfeiting 12*d.*, to be applied to the common box.
18. That the master, brethren, and sisters should resort daily to church at six and nine o'clock in the morning, and at three in the afternoon; the master to say the prayers, and that the brethren by turns, each taking one week, should ring the bell for prayers; none to absent himself from that service on pain of forfeiting 4*d.*
19. That there should be five sermons every year in the parish church, viz., one every quarter, and one on Saint Andrew's day, in which sermons the preacher should pray for the persons therein specified; such preacher to be provided by the master, and to have at each time for his pains 10*s.* and his dinner at the charge of the hospital.
20. That if his heir should dwell near the hospital, he desired him to be an overseer of it, and if far from the hospital, that he should leave his key with the other visitor who had none.
21. The founder thereby appointed the two visitors to be the Dean of Windsor and the Provost of Eton College for the time being.
22. That as soon as any vacancy should occur by death or departing of any brother or sister, the master of the hospital, the vicar of Stoke, and the two churchwardens, meeting in the hospital, upon warning given by the master, should name and appoint a person meet for the vacant room; and if they should not fill the void place within fifteen days after notice, the master should certify the same to the Dean of Windsor, and if he should not within fifteen days more after notice, the provost should have like warning and space to fill up the room; and that if none of them should see this statute kept, the master should put in one by his discretion.
23. That the master should be continually resident in the hospital, unless absent for necessary business of the house.

24. That the master should not be absent from the house on his own business above forty days in the year, which days he might take at one time or more, as need should require. That none of the brethren should absent himself from the hospital without leave from the master any day, neither with his leave above twenty days in one year, and no sister above fifteen days.
25. That upon a vacancy, no man having a wife, nor any woman having a husband, should be admitted into the almshouse to be either brother or sister.
27. That for the relief of the poor neighbours of the parish, adjoining the hospital, out of the common revenue of the house, the master should distribute upon every Good Friday, to as many poor folk as there should be within the parish of Stoke Poges, taking one of a house, 8*d.* in money and a quart of beer, a penny loaf, and three herrings.
28. Also that every Sunday in the year, one of the said poor folk should come into the chapel there, and be at service afore and after noon, and at noon should take their dinner with the master and brethren there, and that the master should give such person 4*d.*, such poor folk to be elected at the discretion of the master, the vicar of Stoke, and the two churchwardens.
32. That when the master, brethren, and sisters should receive their wages, they should disburse for their board wages, the master for his portion for every week 2*s.*, every brother for every week 1*s.* 4*d.*, and every sister 1*s.*
33. That every week one of the brethren should be as steward of the house, making his account to the master at the week's end.

By Deed Poll, bearing date 6th May 1564, reciting in part the said Act of Parliament, and that the said Lord Hastings was seised in fee simple of a parcel of ground about the quantity of two acres in Stoke Poges, abutting upon the churchyard of the parish church of Stoke Poges on the north and on the other sides, as therein mentioned, and of certain houses, buildings, orchards, gardens, curtilages and other places, by him lately built, planted, divided, and made, in and upon the said parcel of ground, to be the site of the said hospital; he, the said Lord Hastings ordained and appointed the said houses, lands, tenements, and hereditaments, to be known and called the Hospital of him, the said Lord Hastings, of Loughborough, and thereby established and incorporated the same, by authority of the said Act, by the name of the master, brethren, and sisters of the Hospital of the Lord Hastings of Loughborough, founded in Stoke Poges, in the county of Bucks, for one master, four men, and two poor women, there to remain, abide, and continue in succession for ever, according to the tenor of the said Act, under such rules, ordinances, and statutes, as already were made, or thereafter should be made by him in his lifetime, or in such manner as he should appoint by his will or otherwise in writing. And the said Lord Hastings thereby named and constituted Edward Jollybran master of the said hospital, and four poor men, and two poor women, to be brethren and sisters.

The hospital, which was erected by Lord Hastings, in pursuance of the said Act of Parliament, upon the land so granted for the purpose, was taken down in or about the year 1765, and the present hospital built by Thomas Penn, Esquire, on other land granted by him pursuant to an Act of Parliament of the 5th George the 3rd was settled in exchange for it. The lands also and pasturage with which the hospital was endowed, were exchanged for other property.

The original endowment of the Charity has been increased by certain subsequent and minor benefactions, but its gross yearly income does not exceed 148*l.* 10*s.* 4*d.*, arising as to 146*l.* 17*s.* 4*d.* from real estate, and as to 1*l.* 13*s.* from stock in the public funds, and a large proportion of the income arising from realty is unimprovable as consisting of a fixed rentcharge. This gross amount is liable to considerable deductions for expenses of collection, rates, taxes, and tithes, amounting in the whole to about 20*l.* or thereabouts, and the annual expenses of repairs are estimated to amount to a further sum of 20*l.*

The hospital is a large building, containing a chapel, and besides apartments for the poor brethren and sisters, a large and commodious residence for the master, with stables and offices, the whole being very disproportionate to the resources, and ill adapted to the purposes of the Charity, while it is a source of onerous expense to it for repairs, taxes, and other outgoings. There are also large gardens attached to the hospital. If offered for sale, it might be expected to produce a considerable sum available to the beneficial reconstitution of the Charity for its intended purposes; but the existing revenues of the Charity have become inadequate for its proper maintenance, and the number of the poor inmates has been reduced to five, and until very recently there were four only in the hospital.

The whole management and administration of the Charity and its funds has devolved upon the master.

It is estimated that his direct receipts and allowances are between 20*l.* and 30*l.* of yearly value, the use of the large residence, maintained at the cost of the Charity, being his principal advantage. He makes certain payments and allowances to the brethren and

sisters, which are estimated to be of the yearly value of 16*l*. to each, and practically he has assumed their nomination to places in the hospital.

No common table is kept in the hall of the hospital. A distribution is made annually to 24 poor women of the parish of one shilling each, and one receives a dinner on each Sunday at the expense of the Charity, but the provisions of the statutes relating to the common box have not been kept. No sermons have been preached in the parish church in compliance with the statutes of the hospital for a very long period.

The Charity Commissioners having instituted an inquiry into the condition of this Charity, and considering that under its altered circumstances the principal objects of the foundation may be best promoted by determining the present corporation of the hospital, and by making other provision for its government, and for the eventual discontinuance of the mastership, with powers also for the sale of the present buildings with a view to a substitution for them of more fit premises, have provisionally approved a scheme for effecting these and other purposes, and the present master is assenting to its provisions. The scheme has been duly promulgated as required by the law, and the Commissioners have received no expression of objection thereto.

The following is the scheme referred to:—

SCHEME.

The corporation dissolved.

1. The existing incorporation of the hospital by the name of "The Master, Brethren, and Sisters of the Hospital of Stoke Poges, in the County of Bucks," or by any other name, shall be dissolved and the Charity be henceforth regulated and managed according to the provisions of this scheme, all former statutes and provisions for the regulation or government thereof being repealed, and the visitatorial power of the Dean of Windsor and the Provost of Eton College, for the time being, shall absolutely cease and determine.

Appointment of trustees.

2. The Charity and its property shall be under the regulation and management of ten trustees, to be called "The Trustees of Lord Hastings' Hospital of Stoke Poges, in the County of Bucks," of whom the dean of Windsor, the provost of Eton College, and the vicar and two churchwardens of the parish of Stoke Poges, for the time being, shall, by virtue of their respective offices, always be five, and shall be called the official trustees, and the five other trustees shall be persons resident within ten miles from the parish church of Stoke Poges, and shall be called the non-official trustees, and that the following persons shall be the first non-official trustees, namely, the Right Honourable George Augustus Frederick Louis Curzon, commonly called the Viscount Curzon, the Right Honourable Henry Labouchere, of Stoke Park, in the county of Berks, Abraham Darby, of Stoke Court, in the same county, Esquire, Robert Harvey, of Langley Park, in the same county, Esquire, and the Reverend John Culling Evans, of Stoke Poges, in the said county of Bucks, Clerk.

Succession of trustees.

3. The death, resignation, bankruptcy, or insolvency of any non-official trustee, or his ceasing to reside within ten miles from the parish church of Stoke Poges, or his refusal or incapacity or neglect for a period of two consecutive years to act as a trustee, shall create a vacancy of his office, and as soon as conveniently may be thereafter the remaining trustees, official and non-official, at a regular meeting of their body, shall nominate some fit person resident within ten miles from the parish church of Stoke Poges to fill such vacancy, and such nomination shall be forthwith certified to the Charity Commissioners for England and Wales for their confirmation, and being confirmed by their order shall constitute a complete appointment of such new trustee, and in the mean time the surviving or continuing trustees shall be competent to act.

Estate vested in trustees.

4. All the real estate and rights and privileges of the Charity, subject to the subsisting leases, tenancies, and charges (if any) thereof, and the full benefit of all reservations, covenants, conditions, and securities made or reserved to the said master, brethren, and sisters, and a right to recover, sue upon, and enforce the same respectively, and all the personal estate belonging to the Charity, and the right to sue for and recover all choses in action recoverable for the benefit thereof shall immediately become vested and shall from time to time remain vested in the trustees thereof for the time being, for the purposes and according to the provisions of this scheme, without any conveyance, assignment, or assurance, and all contracts and liabilities of the said master, brethren, and sisters before their dissolution, shall be enforceable against the trustees of the Charity for the time being to the extent of the property or assets thereof, but not against the private estates of such trustees.

Houses and buildings to be kept repaired and insured.

5. The hospital and all houses and buildings belonging to the Charity, which the lessees or tenants thereof shall not for the time being be bound to keep repaired and insured against fire, shall be kept in repair and insured by the trustees out of the income of the Charity.

Trustees to let and manage the property.

6. The trustees shall have the whole management of the Charity estates, and shall let the same, with the exception of the hospital and the buildings, gardens, and appurtenances annexed thereto, and such lands and premises as they shall from time to time think it expedient to retain in hand for the purposes of the Charity, at the best annual rents to be obtained for the same; and no lease of the Charity property shall be granted in reversion after any

subsisting term of which more than three years shall be unexpired, or for any life or lives, or for any longer term than twenty-one years from the date thereof, or in consideration of any fine or premium without the authority of the Board of Charity Commissioners for England and Wales; and every lease of the Charity property shall contain covenants by the lessee for the payment of the reserved rent, and such proper covenants for the repair and insurance of the houses and buildings (if any), or for the due cultivation of the land or management of the property comprised therein as the lessors shall think necessary for securing the performance of the terms of their contract, and a condition of re-entry on nonpayment of the reserved rent or nonperformance of the covenants therein contained.

7. Leases and other deeds and instruments for the letting or disposition of the Charity Estate executed or made by any three of the trustees for the time being, on behalf and as the act of the whole of them, according to any order of the trustees, made at a regular meeting of their body, shall be as effectual as if executed and made by all the trustees, and the recital of any such order contained in any such lease, deed, or instrument, shall be *prima facie* evidence thereof upon any proceedings to which the parties to the same lease, deed, or instrument, or their respective successors in title shall be parties or a party.

Leases and other instruments may be executed by any three of the trustees

8. No trustee shall become a tenant or occupier of, or beneficially interested in the Charity Estate, or any part thereof, except with the approbation of the Charity Commissioners for England and Wales, and no trustee shall become master or officer of the charity.

No trustee to hold charity property.

9. All stock held in trust for the Charity, or for any members or objects thereof, shall be transferred to the official trustees of Charitable Funds, by whom the dividends thereon shall be remitted from time to time to the acting trustees of the Charity upon the receipt of any one or more of them, in order to be applied upon the subsisting trusts thereof.

Stock to be transferred to official trustees.

10. The trustees, if they shall find it necessary, may from time to time appoint or employ any fit person as their clerk and receiver, but during their pleasure only, and may pay or allow to him a remuneration for his services not exceeding 10*l.* per annum.

Clerk and receiver.

11. The duties of the clerk and receiver shall be to deliver or send notices of meetings to the trustees, to attend them at their meetings, to enter minutes of their proceedings thereat, to collect and receive the rents and income, and to keep the accounts of the charity, to preserve, subject to the directions of the trustees, all vouchers for payments on behalf of the charity, to make out annually detailed accounts of all receipts and payments in respect thereof, and of its assets and liabilities, or to perform all such of these duties and all such other duties in respect of the charity, as the trustees shall direct.

Duties of clerk and receiver.

12. Notice in writing of every meeting, whether general, special, or adjourned, shall be delivered or sent by the post at his residence three clear days at the least previously to such meeting, and such notice shall specify the place and the day and hour for holding the meeting.

Notice of meetings.

13. The trustees shall hold not less than two general meetings in each year for transacting the business of the Charity, namely, on the second Thursday after Lady Day and Michaelmas Day respectively, or at such other times within thirty days next after any of the said half-yearly days respectively, as the trustees at any previous meeting or meetings of their body shall have appointed for that purpose. All meetings shall be held in the hospital, or in some convenient place in the parish of Stoke Poges or its vicinity, to be determined from time to time by the trustees.

General meetings of trustees.

14. Any two or more trustees may call a special meeting, and notice in writing shall be delivered or sent as aforesaid to each trustee, of the time, place, and object of such meeting, and no business shall be transacted at any special meeting not specified or sufficiently indicated in the notice.

Special Meetings.

15. Three trustees shall form a quorum at any meeting, and as soon after the time fixed for holding the same, as a sufficient number of trustees shall be present to form a quorum, they shall proceed to elect a chairman from amongst themselves, and in the event of an equality of votes on the election of chairman, the choice between the persons proposed shall be determined by lot. The acts of a majority of trustees present at any meeting shall be binding on all, but may be revoked or altered by the trustees, or a majority of trustees, present at any subsequent meeting. The chairman of every meeting shall, in the event of an equality of votes, have, in addition to his original vote, a second or casting vote.

Quorum of trustees at meetings.

Majority of votes to be binding.

16. If after the lapse of one hour from the time appointed for holding any meeting a sufficient number of trustees shall not be in attendance to form a quorum, the trustees, or any one or more of them present, may adjourn the meeting to a subsequent day. Any meeting may also be adjourned by a resolution thereof.

Adjournment of meetings.

17. The trustees shall provide a minute book, wherein shall be entered the names of all trustees of the Charity, together with the time and manner of their respectively

Entries and minutes of proceedings and their operation in particular

cases, as *prima facie* evidence.

becoming and ceasing to be trustees, and there shall also be entered therein the names of the trustees attending each meeting, and minutes of all their acts and proceedings relating to the Charity. The minutes shall be signed by the chairman of the meeting, and shall be admitted for all purposes as *prima facie* evidence of the matters recorded therein.

Accounts.

18. The trustees shall provide proper account books, wherein shall be regularly entered and kept accounts of all receipts and payments on behalf of the Charity, and such other particulars as they shall direct. The accounts for each year shall be made up to the same day of every year, to be appointed for that purpose by the trustees, and shall be examined, vouched, and audited at the first general meeting of the trustees to be held thereafter, and shall be signed by the chairman and, at least, one other trustee present at such meeting.

Cheques, &c.

19. All cheques and orders for the payment of money shall be signed by the chairman of a meeting of the trustees and, at least, two other trustees present thereat, and shall be countersigned by the person (if any) filling the office or discharging the duties of clerk.

Custody of documents.

20. The trustees shall provide and keep a box or safe, wherein shall be deposited the deeds, vouchers, account books, and documents belonging to the charity, or such of them as shall not be deposited with the said Charity Commissioners for safe custody, under the provisions of "The Charitable Trusts Act, 1853," and the contents of such box or safe shall be examined by the trustees at least once in each year, and the same shall be kept locked, and the key thereof kept by such person, and subject to such regulations as the trustees shall appoint for that purpose.

Establishment of hospital until the abolition of mastership.

21. The establishment of the hospital shall consist of a master, unless or until his office shall be discontinued, as herein-after provided, and not less than five poor inmates, and the number of inmates shall from time to time be increased by the trustees, if and as and when the clear income of the Charity for the time being applicable to the benefit of the inmates shall be sufficient to provide the clear sum of seven shillings per week for the benefit of each of them, and other circumstances shall in the judgment of the trustees render such measure expedient.

Master.

22. The master shall be a clergyman of the Church of England, and the Reverend John Alexander Gower, the present master, shall continue to be the master. Each master shall hold his office subject to and in accordance with the provisions of this scheme.

Right of appointing master.

23. The right of appointing the master upon any vacancy shall belong to the person or persons in whom the right of appointing the master of the hospital would have been legally vested derivatively from Lord Hastings of Loughborough, the founder of the Charity, if the incorporation thereof had not been dissolved.

Duties of master.

24. The master shall read prayers in the chapel every morning to the poor brethren and sisters, subject to the provisions in that behalf herein-after contained, and shall, subject to the general direction of the trustees, have the superintendence, care, management, and control of the poor inmates of the hospital. The present master shall be entitled to the occupation and enjoyment of the residence in the hospital, now appropriated to him, with the garden and appurtenances, rent free, except such parts of the buildings and premises as have been at any time heretofore used or enjoyed by any poor inmates of the hospital, and as the trustees shall think it expedient to re-appropriate to the same purposes, and all future masters shall be entitled to the occupation and enjoyment of the same residence and premises, or so much thereof as the trustees shall not think it expedient to appropriate to the poor inmates, or to any general purposes of the charity.

Power for master to let his residence, with consent of trustees.

25. The master, subject to such conditions and restriction (if any) as the trustees may prescribe, shall be at liberty to let his residence for his own benefit for any period or periods not exceeding altogether three calendar months in any one year, and to absent himself from residence during such period, but he shall not absent himself from the hospital for any longer period in any year without the permission in writing of the trustees. Provided always, that during any absence allowed to the master by or under this scheme, it shall be lawful for the Vicar of Stoke Poges aforesaid, or his curate, to read morning prayers to the poor brethren and sisters in the said chapel, but without fee or reward, and in the event of prayers not being so read as last aforesaid, morning prayers shall be read by such one of the poor brethren in his own room as the said master shall have nominated in that behalf.

Removal of master.

26. The trustees with the authority of the Charity Commissioners for England and Wales may remove any master from his office for neglect of duty, incompetence, or other sufficient cause.

Inmates.

27. The present five poor brethren shall continue to be inmates of the hospital, subject to and in accordance with the provisions of this scheme, and the right of appointing all other inmates shall be exercised by the trustees.

Qualification of inmates.

28. The hospital having been originally founded for four brethren and two sisters, the same proportion between the numbers of male and female inmates shall as nearly as conveniently may be from time to time be preserved, and the inmates at the time of their appointment shall be poor impotent or disabled persons of good character, single (whether

having been previously married or not) not less than fifty years of age, natives of or resident for the time being in the parish of Stoke Poges, and who shall not, at any time within twelve calendar months next preceding their appointment, have been in receipt of parochial relief. Provided always, that if any poor brother or sister shall intermarry with any person whomsoever, the place of him or her so marrying shall be deemed to have become vacant, as if he or she were dead.

29. Each inmate shall have the use and occupation of a separate room in the hospital, rent free, to be assigned to him or her by the trustees, and the use in common with the other inmates of the kitchen, scullery, and garden, now used by the inmates, subject to such rules and regulations as may be prescribed from time to time by the trustees. Rooms.

30. The inmates shall respectively reside in the hospital, and shall not absent themselves therefrom without the permission of a trustee, and no inmate shall let or part with the possession of his or her room in the hospital. Inmates to reside and not to let their rooms.

31. It shall be lawful to the trustees to remove any of the inmates for immorality, drunkenness, or quarrelsome behaviour, or for the breach of any of the rules or regulations contained in this scheme, or to be prescribed by the trustees by virtue hereof, or for any other cause which in the judgment of the trustees shall justify such removal. Power to remove the inmates.

32. The clear annual rents and income of the Charity which shall remain after providing for the expenses of management, repairs, and insurance, and other necessary outgoings, shall be divided by the trustees into so many equal parts as there are or shall be poor inmates of the hospital for the time being in addition to the master, and one of such parts shall be paid by them to the master in equal half-yearly payments, and the remainder shall be applied by them for the benefit of the inmates in equal shares, either in money payments, or in food, fuel, clothing, or other necessary articles in kind, or partly in money payments, and partly in kind at such periods and in such manner as the trustees shall consider expedient. Allowances to master and inmates.

33. The trustees may if they think fit, from time to time employ a medical practitioner to give all proper medical attendance to the poor inmates, and to supply them with proper medicines and appliances in their sickness or need, and may pay to him therefore any reasonable salary or compensation out of those parts of the clear yearly income of the Charity, otherwise applicable distributively for the benefit of such poor inmates. Power to employ medical practitioner.

34. Upon or at any time after the first avoidance of the mastership, the trustees shall have power with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age and with the approbation also of the Board of Charity Commissioners for England and Wales, under their seal to abolish the office of master if they shall think such abolition beneficial to the Charity, and such office shall thereupon absolutely cease, and any future appointment to the office of master may be made subject to the exercise of the power created by this provision. Power to abolish office of master.

35. In case the office of master shall be abolished, the number of poor inmates shall thereupon be increased at the discretion of the trustees and according to the provision in that behalf herein-before contained, and the part or share of the clear yearly income of the Charity previously payable to the master shall thenceforth be applied by the trustees for the benefit of the poor inmates in the same manner and subject to the same provisions as the other parts or shares of such income are hereby directed to be applied. Establishment of inmates in case mastership is abolished.

36. In case the office of master shall be abolished as aforesaid, the trustees may from time to time appoint any one of the male inmates to be the superintendent of the hospital or the inmates thereof, and may pay to such superintendent out of the income of the Charity any weekly sum not exceeding the rate of five pounds per annum in addition to his other allowances, and such superintendent shall hold office during the pleasure only of the trustees, and shall discharge such duties with relation to the other inmates and to the Charity as the trustees may direct. Superintendent.

37. Upon or at any time after the first avoidance of the mastership or with the consent in writing of the present master during the period of his holding office, the trustees shall have power with the consent in writing of the person or persons for the time being entitled to the right of appointing the master, and being of full age and with the approbation of the Charity Commissioners for England and Wales, to sell the present hospital buildings and the gardens and ground annexed thereto, or any part of the premises with the appurtenances and to apply the produce of such sale to the erection and establishment of a new hospital upon some site in the parish of Stoke Poges or its immediate vicinity, to be also bought, if necessary, out of such purchase money for the reception of the master and poor inmates, or of such inmates solely as the case may require, and any surplus of such purchase money shall be invested by the trustees in the purchase of real estate, with the approval of the said Charity Commissioners, when any such convenient purchase shall be found, and in the meantime in the public funds and the rents, dividends, and income arising from such real estate or funds respectively, shall be applicable as the other yearly income of the Charity. Power to sell charity property.

Scheme to be printed.

38. This scheme shall be printed, and a copy delivered to every person who shall become a trustee or master of the charity.

Copies of scheme may be taken.

39. A copy of this scheme shall be kept with the books of account and other documents belonging to the Charity, and every parishioner of Stoke Poges, and other person interested in the Charity, shall be at liberty to take copies of the scheme or any part thereof (upon making an application for that purpose to the trustees), at such times, and subject to such reasonable conditions, as may be prescribed by the trustees.

Doubts and disputes to be decided by the Charity Commissioners.

40. If any doubt or question shall arise amongst the trustees as to the construction or proper application of any of the provisions of this scheme, or the management of the Charity, application may be made by the trustees to the Charity Commissioners for England and Wales for their opinion and advice thereon, which, when given, shall be conclusive on the trustees.

No. 8.

The CASE of the MAGDALEN HOSPITAL at HOLLOWAY, near the City of Bath.

The early history of this very ancient institution is involved in great obscurity.

The first mention of it which is known occurs in a copy (written at a remote date) of a deed apparently made in the reign of King William the Conqueror, by which Walter Hosat granted "*Ecclesiæ S. Petri de Bath et Johanni Episcopo ejusdem Monasterii et Monachis capellam sanctæ Mariæ Magdall' de Holweye extra Bath (with an adjoining house and other property), ut capellam beatæ Mariæ Magdall' Præsul et Monachi ejusdem ecclesiæ edificent et exalcent.*"

In Tanner's "*Notitia Monastica*" there is a mention of the chapel, and of "the little hospital adjoining for lunatics," and a bequest of the date of 1212, "*domui Leprossorum extra Bath,*" is considered by Bishop Tanner to have applied to this hospital.

The first more definite and comparatively modern account of the hospital and its appropriation is found in the record of an inquisition, taken in the third year of the reign of Queen Elizabeth, upon which it was found that in a mansion house in the suburbs of Bath, called the "*Hospital of Marie Mawdelyne,*" certain poor lepers resided, and poor lepers had from time immemorial been used to reside there; that the house belonged to the last prior of Bath and his predecessors: that the poor lepers before the dissolution had been maintained out of the rents of the lands belonging to the said house, but that one Simon Sheppard, clerk, called "*The Master of the Hospital of the Mawdelyns,*" then took the issues and profits thereof to his own use, all relief having been nearly withdrawn from such poor persons, but by what right was not known.

The master pleaded that King Henry VIII., being seized in fee of the advowson of the hospital in right of his Crown, and the mastership being vacant by the death of the former master, granted to him the mastership or custody of the hospital for his life, with all its rights, rents, and revenues.

It appears from this record and plea that the mastership was an ancient or established office, and that the income of the institution had been largely applied to objects of charity there.

No muniments or records of subsequent date have been found relating to the hospital, except leases of the Charity estates; but the succession of masters appears to have been continued uninterruptedly by appointments made in right of the Crown by the Lords Chancellors.

An appointment of 1760 was of the Reverend Dual Taylor, then rector of Bath and vicar of the adjoining united parishes of Lyncombe and Widcombe, within which the hospital is situate. Dr. Thomas, appointed in 1767, retained the office until 1823, when he was succeeded by the Reverend C. Crook, then rector of Bath and of Lyncombe and Widcombe; and he was succeeded in 1838 by the Reverend John Allen, by whose death, in the year 1853, the office became vacant, and it has not been again filled.

The master, Simon Sheppard, appointed by King Henry VIII., was described as a clerk, and so far as is known his successors have all been in holy orders, but there is no reason for considering that any cure of souls has been at any time attached to the chapel of the hospital, which is its principal building.

The inquisition before referred to, and the plea of the master, mentioned the chapel only with reference to certain lead removed from the roof. It is not known whether divine service was celebrated in it during a long subsequent period. The Reverend Mr. Taylor, appointed in 1760, repaired the chapel with the aid of subscriptions, and divine service was during his mastership performed in it. His successor, Dr. Roberts, during his long tenure of the office from 1767 to 1823, did not provide for the celebration of divine service in the chapel. It was occasionally performed by other clergymen acting gratuitously, or receiving such payments provided by subscription; but Dr. Roberts ultimately closed the chapel, and it continued so closed for many years before his death.

Upon the succession of Mr. Crook, in 1823, who was also the incumbent of Bath and of Lyncombe and Widcombe, he again repaired the chapel and enlarged it, principally at his own expense, but with some aid of subscriptions. It was made to contain about 200 sittings, and for some years he provided for the performance of divine service therein; but in 1832 the new church of St. Mark, in Lyncombe, having been opened, the services at the chapel were again discontinued and the chapel closed. The late master, the Rev. Mr. Allen, was appointed in February, 1838, and it is believed that he entered into an engagement with the Lord Chancellor that the chapel should be kept open for divine service, and it was regularly performed therein during his mastership.

During the period immediately preceding his death a beneficed clergyman, temporarily resident at Bath, was engaged by him to officiate in the chapel at a yearly stipend of sixty pounds, and this gentleman desiring that the benefit of the services to the neighbourhood should not be interrupted by the master's death, consented, after that event, to

provide for them during the pendency of any measures for reconstituting the Charity, relying on the faith of an assurance which the Charity Commissioners assumed under the pressure of the circumstances to give to him, that he might expect the present limited income, and any available resources of the Charity, to be applied to his compensation. This compensation remains to be made to him.

The Charity Commissioners have in the meantime instituted a very full inquiry by one of their inspectors, and otherwise, into the circumstances of the institution, in the course of which inquiry the substance of the preceding and following statement has been collected, and the Lord Chancellor having been informed of this investigation, and having had subsequently submitted to him the heads of the scheme for a reconstitution of the Charity to which this statement is prefixed, has forborne to make any new appointment to the mastership.

The present income of the Charity is very limited.

The endowments, exclusively of the chapel and a burying ground and an inconsiderable hospital building, comprise real properties of the estimated yearly value of 641*l.* besides the sums of 408*l.* 4*s.* 3*d.* and 156*l.* stock in the public funds, and a sum of 70*l.* cash which is in the hands of the representatives of the late master; but all the real property of the Charity except the hospital building has been let out on beneficial leases at very small yearly rents, the aggregate amount of which is 13*l.* 13*s.* 4*d.* only.

These leases have been granted for terms of three lives by the masters of the hospital for the time being, whose income has mainly consisted of the limited fines received upon such leases, which have yet involved a great sacrifice of the value of the Charity property and have deprived the institution of all present means of material usefulness.

The whole estate is now subject to leases for full terms of three lives, with the exception of the hospital buildings, and of a small property at Lyncombe, the lessee of which holding a term of two remaining lives had surrendered it to the late master shortly before his death upon a contract for its renewal for three lives for which he also paid a stipulated fine. The exception may scarcely apply in substance to this property.

The average income of the master from all sources, and subject to the charge on him for charitable objects which will be next explained, was estimated in 1821 at about 91*l.* It is supposed that Mr. Crook, the master from 1823 to 1838, was not more than compensated for his outlay in repairs. The last master received, during the 15 years of his office, an amount of fines which would produce a yearly average of about 47*l.* and his whole income arising from this source and from the dividends of the stock and the ground rents and the pew rents of the chapel (subject to the charge for charitable objects) appears to have been about 94*l.* only, out of which he provided for the services of the chapel.

The benefit of the institution for any purposes of charity has also been extremely limited, and, moreover, the proper application of its revenues has been matter of obscure question. The leases have been granted by the master, using a corporate seal, and under the name of the master, co-brethren, and sisters of the hospital, but subsequently to the date of the inquisition above referred to, and from which the hospital appears to have been then and previously a refuge for poor lepers; there is no more direct proof of its applicability to different objects than as afforded by modern usage and reputation. The present hospital was rebuilt in 1760, and is said not to be less than the former building, and the only objects of charity known to have been received in it in succession to the poor lepers before mentioned have been idiots, three of whom are said to have constituted the largest number maintained therein at any one period, and for a long time past there has been no more than one. The master formerly received a premium upon the admission of each such idiot, but this practice was declared by the Master of the Rolls, in a suit of which the hospital was the subject, to be irregular, and was prohibited. (The suit is that of the Attorney General *v.* Crook, 1 Keen's Reports, 121.) It has been the practice, continued until the death of the late master, to let the hospital building (estimated at 12*l.* per annum) to tenants who would undertake, in consideration of its occupation, the care of such one idiot, the master providing for him or her only the necessary clothing.

The last inmate has died during the present year, and the occupation value of the hospital building is available for the general purposes of the Charity.

The inmates have not been received exclusively from any parish or district. In the before-mentioned suit a scheme was established with reference to the available income of the Charity and to the capacity of the building for the permanent maintenance of one idiot or imbecile person in the house under the care of a proper guardian.

According to the preceding statement the present income of the institution, even including the supposed yearly value of the hospital building, with the dividends of the stock and the ground rents, is about 42*l.* only, to be increased to a very small extent only by an investment of the sum of 70*l.* cash, if it should not be thought fit to apply that sum so far as may be necessary to the payment of the current expenses of the chapel and establishment since the death of the late master, and particularly the stipend or compensation due to that gentleman who has performed or provided for the services of the chapel since that event.

From this limited income the repairs of the chapel and outgoings, though not considerable, must be primarily provided for, and the residue only is applicable to the expense of maintaining the services of the chapel, with the aid of the net pew rents, which, after payment of the incidental expenses, are estimated at the yearly sum of 30*l.*

It has appeared to the Charity Commissioners very desirable for rendering an institution of so much antiquity and interest also beneficial, that the appointment of masters having any capacity to deal with the estates according to the past practice should be discontinued, and that the management and application of the endowments of the charity should be committed to trustees, who should be directed, after providing for the services of the chapel, to receive and accumulate any surplus income to arise from such endowments, whether presently or upon the determination or commutation of the existing leases or otherwise, until such income shall become sufficient for beneficial purposes, and should then apply the income to such purposes accordingly.

In the result of the inquiries instituted by the Commissioners with the object of ascertaining the charitable objects which may be promoted by these means to the greatest advantage and satisfaction of the locality, they have provisionally approved the scheme to which this statement is prefixed for the ultimate appropriation of the Charity to the maintenance and relief of poor imbecile persons of early ages, they have deposited particulars of this scheme for inspection, and given notices thereof, as required by the law, and have received no expression or notice of objection thereto.

It is of obvious difficulty to ascertaining the application of charitable funds which may be most beneficial at a future and indefinite period, but it is considered that this scheme may be established with advantageous results, containing facilities for the combination of the resources of this Charity with any means which may be provided for the advancement of the same benevolent purposes, by the liberality of private persons, or by the administrators of any charitable funds provided for similar objects.

The following is the scheme referred to:—

SCHEME

For the REGULATION of the HOSPITAL of SAINT MARY MAGDALEN in HOLLOWAY, near the City of Bath, and the Possessions thereof.

1. The Corporation of the Hospital, by the name of the Master, Co-brethren, and Sisters of the Hospital of Saint Mary Magdalen in Holloway, near the City of Bath, or by any other name, so far as the same Corporation has now, or is capable of legal subsistence, shall be dissolved, and the Charity, under the name of the Magdalen Charity, with all the real and personal estates thereof, shall be henceforth managed and administered by the trustees hereby appointed, and for the purposes only hereby declared. Dissolution of the existing corporation.
2. The trustees for the time being of the Municipal Charities of the City of Bath shall be the trustees of the Charity, under the name, for this purpose, of Trustees of the Magdalen Charity, and they shall have power, with the approbation of the Charity Commissioners for England and Wales, to associate with themselves in the management of the Charity, or any department thereof, any person from among benefactors of the Charity, or from among the trustees or managers of any other Charity to be united therewith, who respectively may stipulate for such participation in the management thereof, upon making any such benefaction, or upon any such union of Charities. The charity to be managed by trustees.

Power to enlarge the number of the trustees.
3. All the real estate belonging to or held in trust for the said hospital (subject to the subsisting leases thereof), and the benefit of all covenants, conditions, and securities made or reserved to the former corporation of the said hospital, or to any preceding trustees of the Charity as hereby constituted, and all the personal estate thereof (subject to the following provisions as to the legal tenure of stock in the public funds), and the right to sue for and recover all choses in action recoverable for the benefit of the same Charity shall from time to time vest in the trustees of the Magdalen Charity for the time being by force, and for the purposes and according to the provisions of this scheme, without conveyance, assignment, or other assurance; and a right to sue upon and enforce all covenants, conditions, and securities made or reserved to the said former corporation, or to any preceding trustees of the Charity, shall be exercisable by and in the names of the trustees for the time being thereof, as fully and effectually as the same right might be exercised by such corporation if not dissolved, or by such preceding trustees, if still retaining their office; and all contracts and liabilities of the said corporation before the dissolution thereof, or of any preceding trustees of the said Charity, may be enforced against the trustees thereof for the time being to the extent of the property or assets thereof. The possessions of the charity to be vested in the trustees for the time being.
4. Leases and other instruments for the letting or disposal of the Charity Estate may be made by any five trustees thereof for the time being on behalf and as the act of the whole of them, according to any resolution of the trustees made at a meeting of their body, duly convened, and shall have the same effect as if executed by all the trustees, and the recital of any such resolution contained in any deed or instrument by which any such lease or other disposition shall be effected, shall be primâ facie evidence of the same resolution. Leases and other instruments may be executed by five trustees.
5. The trustees may appoint four or more of their number to be a stock committee, and any stock in the public funds from time to time belonging to or held in trust for the Charity may be transferred either into the names of such stock committee, or under the order of the Charity Commissioners for England and Wales to the Official Trustees of Charitable Funds; and as often as the number of the stock committee, continuing to be trustees of the Charity, shall be reduced to two or a less number, then the trustees shall Stock committee.

appoint a sufficient number of the other members of their body to be members of the stock committee, jointly with the continuing members of such committee, to make up the number of the committee to four or more, and the stock held by the former members of the stock committee shall be transferred to the stock committee so newly constituted.

6. The sum of 70*l.* sterling paid to the Rev. John Allen, the late master of the hospital, by the Great Western Railway Company, as a consideration for land of the Charity taken by the said Company, and which sum is now in the hands of the personal representative of the said John Allen, shall be paid to the trustees hereby constituted of the said Charity; and the same, or so much thereof as shall not be otherwise applicable under the provisions of this scheme, shall be invested by them in the public funds in the names of the stock committee, or with the authority of the said Commissioners in the name of the Official Trustees of Charitable Funds, and the dividends of such stock shall be applicable as part of the general income of the Charity. All sums of stock transferred to the Accountant General of the Court of Chancery, upon any trust for the benefit of the said hospital, shall be held upon like trusts for the benefit of the Charity as constituted by this scheme, and shall be transferred, upon the application of the trustees of the Charity for the time being, to the stock committee, or to the Official Trustees of Charitable Funds for the benefit of the said Charity.

7. All the rents, dividends, interest, and income arising from any real or personal estate of the said hospital, and which have become due or payable since the decease of the last master thereof, including all monies payable otherwise than as rent in respect of the occupation of any part of the Charity Estate, and which income or monies would be respectively due to the corporation of the said hospital, if subsisting when this scheme shall come into operation, or to the master thereof; and all pew rents, or sums due in respect of any pews or sittings in the chapel of the said hospital, occupied or used since the decease of the said late master, shall be due to and collected by the trustees hereby appointed, and shall be applicable by them according to the provisions of this scheme.

8. The chapel and buildings belonging thereto, and all houses and buildings on the Charity Estates, not in the tenure or occupation of any tenants or persons bound to repair the same, shall be maintained in proper repair, and be also insured against fire by the trustees out of the income arising from the same premises respectively, or otherwise, so far as such income shall extend; but as to the chapel, subject to the primary applicability of the pew rents to the repair thereof.

9. The chapel belonging to the said hospital, with its burial ground and precincts, shall be appropriated and used exclusively for the purposes of religious worship and rites, according to the ordinances and doctrines of the Church of England, and the religious services shall be continued therein by the chaplain to be appointed as herein-after provided, unless or until after the establishment of the objects of the Charity in any locality distant from the site of the present hospital, or upon the services of the said chapel being found to be not beneficial; or from any sufficient cause the trustees, with the written approval of the Lord Chancellor, to whom in right of the Crown the appointment of the master of the said hospital has hitherto belonged, shall direct the same services to be suspended or discontinued.

10. There shall be a chaplain of the Charity, to be called "The Chaplain of the Magdalen Charity," and the Lord Chancellor, in right of the Crown, shall be entitled from time to time to appoint such chaplain, unless the services of the chapel shall have been discontinued as aforesaid; and the appointment of any such chaplain may be for such time, subject to such regulations and conditions as to the Lord Chancellor shall seem fit: and until such appointment shall be made or the services of the said chapel shall be discontinued as aforesaid, the trustees shall provide for the continuance of the same service at the expense of the Charity.

11. The chaplain shall be subject to the jurisdiction of the bishop of the diocese, who shall have power to suspend or deprive him for neglect of duty or other sufficient cause.

12. The chaplain shall perform Divine service in the chapel at least once on every Sunday throughout the year, and all such religious services at or near to the same chapel, for the benefit of the objects and officers and servants of or employed for the purposes of the Charity as the trustees shall reasonably require.

13. The burial ground belonging to the chapel shall be used for the interment of objects of the Charity, and the servants and others employed for the purposes thereof and of other persons under such restrictions and regulations, and subject to such orders as shall from time to time be made by the trustees.

14. The appointment and removal of the clerk, organist, pew openers, and other persons employed for the purposes of the chapel, or in the care thereof, shall belong to the trustees by whom the respective salaries of the same several officers and persons shall be fixed and paid.

15. The trustees may require such moderate rents as they shall think fit to be paid to them for all or any of the pews or sittings in the chapel which shall not be occupied or used by the objects or officers or servants of the Charity.

16. The rents payable for pews or sittings in the said chapel, hereinafter called by the general name of pew rents, shall be payable to the trustees and shall be applicable in the

Trusts declared of certain funds for the charity.

Income of charity accrued since the death of the late master to be collected.

Chapel and houses to be kept in repair.

The chapel and services to be maintained.

Chaplain to be appointed.

Chaplain to be subject to jurisdiction of the bishop.

Chaplain to perform divine service on Sundays.

As to the use of the burial ground.

Clerk, organist, &c. of chapel to be appointed and removed by chaplain, subject to approval of trustees.

Pew rents may be taken.

Application of pew rents.

first instance to the repair, insurance, and maintenance of the chapel and its precincts, and to the payment of the salaries of the clerk and organist, and the pew openers and other servants employed for the purposes, or in the care of the chapel, and to the providing of the necessary furniture and fittings of the chapel, and to the payment of the general expenses incident to the services thereof, and the residue of such pew rents which shall remain after answering those purposes shall be paid by the trustees to the chaplain for his own use, and as far as conveniently may be, by half yearly payments on the 25th day of march, and the 29th day of September in every year.

17. In case and so often as the pew rents payable to the chaplain in any year shall be less than the clear sum of 60*l*. the amount thereof shall be made up to the sum of 60*l*. for the benefit of the chaplain by the trustees out of the general income of the Charity so far as such income after providing for the other payments hereby directed to be primarily paid thereout, shall be sufficient for that purpose, and the stipend or income of the chaplain including his share of the pew rents, may hereafter be made up by the trustees in like manner to any yearly sum not exceeding 100*l*. out of the general income of the Charity, with the approbation of the said Charity Commissioners under their seal, if and when on account of the increase of the duties of the chaplain, or in consideration of the improved resources of the Charity, or for other reasons to be submitted by the trustees to the said Commissioners it shall be thought expedient so to do.

The stipend of chaplain to be made up to stated amount.

18. All the pew rents which have become due since the death of the late master, and all the rents, dividends, interest, and general income of the Charity which respectively have accrued or become due since the same event, which shall be collected by or on account of the trustees under the foregoing direction, shall be applied by them in the first place in or towards the payment of all such salaries, wages, and monies, as have become due during the same period to any persons or person on account of the maintenance of the said chapel and the services therein other than to the minister by whom such services have been performed or provided for, and of all expenses incurred in the maintenance or for the benefit of the last inmate of the said hospital until her decease, or on account of her burial; and the surplus of all such rents and income shall be applied in or towards the payment to the minister, by whom the services of the said chapel have been performed or provided for during the same period, of a stipend in respect of such services at the rate of 60*l*. per annum, to be computed from the decease of the late master, for the whole period during which he has so discharged or provided for the same services; and if such surplus rents and income shall be insufficient for the last-mentioned purpose, then the said stipend shall be made up to the said minister out of the before-mentioned principal sum of 70*l*. or some other capital, funds, or property of the Charity, and in the meantime shall be a charge on all the same funds and property, and the income thereof.

Stipend to be paid in respect of the services since the death of the late master.

19. All the clear residues or surplus of the income of the Charity which remain after providing for the several payments herein-before directed to be made thereout, shall be received by the trustees and invested by them from time to time in the public funds, in the names of the Stock Committee, or, under the authority of the said Commissioners, in the name of the Official Trustees of Charitable Funds; and the dividends and income arising from such investments shall also be invested and accumulated by the trustees from time to time in like manner until the stock so accumulated shall amount to 5,000*l*., or more.

As to the application of the surplus money.

20. When the stock to be so accumulated shall amount to or exceed 5,000*l*., the trustees shall apply the same, and the dividends thereof, and the then future general income of the Charity which shall remain after answering the purposes herein-before provided for in or towards the establishment, endowment, and maintenance of an hospital or asylum, to be called the Magdalen Hospital, to be governed and managed according to the provisions of this scheme, for the reception, maintenance, and improvements of poor idiots.

Hospital for idiots to be established.

21. The hospital shall be established as near as conveniently may be to the said chapel, if suitable buildings, or a suitable site for buildings to be erected for the purposes thereof shall be obtainable in the vicinity of the said chapel, and shall be approved by the said commissioners for this purpose, or the said hospital may, for any special reasons or considerations of advantage to the Charity, to be submitted to and approved by the said Commissioners, be established in any other locality not distant more than ten miles from the Abbey Church, in the city of Bath.

Situation of the hospital.

22. The trustees, with the sanction of the said Commissioners, may appropriate any suitable buildings or land belonging to the Charity for the purposes of, or as a site for, the said hospital, and may purchase or obtain the surrender for that purpose of any leasehold or other interest subsisting in such building or site, or, with the like sanction, may obtain by way of purchase, exchange, demise, or otherwise, any other suitable buildings or land for the same purposes, and may erect, alter, enlarge, improve, adapt, and also furnish and fit up any buildings necessary for the purposes of the Charity, and apply to the purposes aforesaid, or any of them, any principal funds belonging to the Charity, or may raise any funds for the same purposes upon the security of the Charity Estates, with the approval of the Charity Commissioners for England and Wales, under their seal.

Power to appropriate or acquire buildings or site, for the purposes of the charity, and to erect or adapt and fit up buildings.

Objects of the charity.

23. The hospital shall be for the reception, maintenance, training, and improvement, to the utmost attainable extent, of poor idiot children, of whom those born or whose parents or next friends shall be resident within the City of Bath, or within thirty miles thereof, shall be entitled to a preference of election, and all of whom at the time of their admission shall be under the age of fifteen years, and shall be free from any contagious or loathsome disease, all such children may be retained in the hospital for such periods, to be determined particularly with reference to their continuing or supposed capacity of improvement as shall be prescribed or permitted by any general rules established by the trustees for the government or regulation of the Charity.

Payments to be required from the inmates.

24. The trustees may require the payment on behalf of such poor children of any such yearly sums, not exceeding 10*l.* each, towards the expenses of the institution, as the circumstances of the Charity for the time being may render necessary or expedient, or such yearly sums, not exceeding twenty pounds each, for the same purposes, as the Charity Commissioners shall from time to time, upon the application of the trustees, authorize to be taken, but may also remit such payments, wholly or partially, in any cases where the poverty or condition of the inmates, or of their parents or next friends, shall render the payment of such yearly sums impracticable or specially onerous.

The trustees may also receive from time to time into the institution any idiot children not exceeding the before-mentioned age, or afflicted with any such disease as aforesaid, whose parents or next friends, in order to obtain for them the benefits of maintenance and discipline therein, shall be willing to pay on their behalf such larger yearly sums as shall be required by the trustees for the profit or benefit of the institution, so, nevertheless, that the reception of any such children other than poor idiots shall not be the means of preventing the reception or maintenance in the said hospital of any such poor idiots as aforesaid, for whose reception or maintenance the income of the Charity for the time being shall be sufficient.

The whole residuary income of the charity to be applied for the benefit of the inmates of the hospital.

25. The whole rents, dividends, interest, and yearly income of the Charity which shall not be applicable to such purposes as are herein-before directed to be primarily provided for therewith, and which shall remain after payment also of the necessary outgoings, including the expenses of repair and insurance, and rent (if any) payable in respect of the buildings and premises used for the purposes of the Charity, and also all the yearly or other sums to be received from any inmates of the hospital shall be applied by the trustees to the maintenance, medical treatment, training, instruction, and care of the inmates of the hospital, of whom so many shall be received and maintained therein from time to time, as the capacity of the buildings and the income and yearly resources of the Charity will permit.

Rules for the government of the charity to be established.

26. The trustees, so soon as the said Charity shall be brought into active operation, or previously, shall make such general rules for the government and regulation thereof, as in their judgment shall be best calculated to develop and extend its benefits, particularly in promoting the health and comfort, and moral improvement of the inmates, according to the experience which may then have been acquired of the wants of the locality, and of the means by which the improvement and benefit of such patients may be most effectually advanced, and shall submit such rules for approval to the said Commissioners, and the same rules, so far as they may be approved by the said Commissioners, shall be established and thenceforth binding on all parties to whom they shall be applicable, but may from time to time be altered, extended, or annulled by the like means and authority as occasion may require.

Power to accelerate the foundation of the charity in case of any sufficient means being obtained, or to unite it to any similar charity.

27. The trustees, also with the sanction of the said Commissioners, may bring the said Charity into active operation before accumulating the prescribed sum of 5,000*l.* stock, and in the same manner, and subject to the same regulations, as if such accumulation had been made, in case by the aid of benefactions to the Charity, or by the improved management of the estates thereof, or by commuting any leases of such estates now subsisting for terms of life, into leases for terms of years, at larger present rents, or by the yearly or other subscriptions of benevolent persons, or any other means, the income for the time being of the Charity shall be rendered sooner sufficient for that purpose, or they may, with such sanction as aforesaid, agree to and effect the union of the Charity with any other Charity established for the like purposes, and within the distance of ten miles from the Abbey Church, in the city of Bath, in order to render both Charities more effective, so, nevertheless, that the income of the Magdalen Charity shall be applicable only to such purposes as are hereby prescribed, and according to the regulations herein contained, with such modifications only, if any required upon such union, thereof, as shall have been submitted to and approved by one of the Judges of the Court of Chancery, or the said Commissioners.

Scheme to be printed.

28. This scheme shall be printed, and any person interested in the Charity shall have access thereto, under any reasonable regulations to be prescribed for that purpose by the trustees.

FIRST REPORT

OF

HER MAJESTY'S

CIVIL SERVICE COMMISSIONERS;

TOGETHER WITH

A P P E N D I C E S.

Presented to both Houses of Parliament by Command of Her Majesty.



LONDON:

PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

FOR HER MAJESTY'S STATIONERY OFFICE.

1856.

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C O P Y

OF AN

Order of Her Majesty in Council regulating the Admission of Persons to the Civil Service of the Crown.

At the Court at Buckingham Palace the 21st Day of May 1855;

PRESENT,

THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS it is expedient to make Provision for testing, according to fixed Rules, the Qualifications of the young Men who may from Time to Time be proposed to be appointed to the junior Situations in any of Her Majesty's Civil Establishments.

Now therefore, Her Majesty, by and with the Advice and Consent of Her Privy Council, doth order, and it is hereby ordered, that the Right Honourable Sir Edward Ryan, Assistant Comptroller General of the Exchequer, John George Shaw Lefevre, Esquire, Companion of the Bath, Clerk Assistant to the House of Lords, and Edward Romilly, Esquire, Chairman of the Board of Audit, or such other Persons as Her Majesty may from Time to Time approve in the Stead of them or any of them, shall be Commissioners for conducting the Examination of the young Men so proposed to be appointed to any of the Junior Situations in the Civil Establishments as aforesaid, and shall hold their Offices during the Pleasure of Her Majesty, and shall have Power, subject to the Approval of the Commissioners of Her Majesty's Treasury, to appoint from Time to Time such Assistant Examiners and others as may be required to assist them in the Performance of the Duties herein-after assigned to them.

And it is hereby ordered, that the Commissioners of Her Majesty's Treasury do prepare and submit to Parliament an Estimate for the Remuneration of a Secretary to the said Commissioners, and of such Examiners and others as may be required to assist in the Performance of their Duties.

And it is hereby ordered, that all such young Men as may be proposed to be appointed to any Junior Situation in any Department of the Civil Service shall, before they are admitted to Probation, be examined by or under the Directions of the said Commissioners, and shall receive from them a Certificate of Qualification for such Situation.

And it shall be the Duty of the Commissioners in respect of every such Candidate, before granting any such Certificate as aforesaid,

- 1st. To ascertain that the Candidate is within the Limits of Age prescribed in the Department to which he desires to be admitted;
- 2d. To ascertain that the Candidate is free from any physical Defect or Disease which would be likely to interfere with the proper Discharge of his Duties;

- 3d. To ascertain that the Character of the Candidate is such as to qualify him for Public Employment ; and,
- 4th. To ascertain that the Candidate possesses the requisite Knowledge and Ability for the proper Discharge of his official Duties. .

The Rules applicable to each Department under each of the above Heads should be settled, with the Assistance of the Commissioners, according to the Discretion of the chief Authorities of the Department ; but, except that Candidates for Admission to any of the Junior Situations in any Branch of the Civil Service will be required to obtain Certificates of Qualification as aforesaid, such Examining Board shall not make any Alteration in respect to the Nomination or Appointment of Candidates by those who are or may be charged with the Duty of Nomination and Appointment.

After the Candidate has passed his Examination, and received his Certificate of Qualification from the Commissioners, he shall enter on a Period of Probation, during which his Conduct and Capacity in the Transaction of Business shall be subjected to such Tests as may be determined by the Chief of the Department for which he is intended ; and he shall not be finally appointed to the Public Service unless upon satisfactory Proofs of his Fitness being furnished to the Chief of the Department after Six Months Probation.

And it is lastly hereby ordered, that in case the Chief of any Department considers it desirable to appoint to any Situation for which there are no prescribed Limits of Age a Person of mature Age having acquired special Qualifications for the Appointment in other Pursuits, such Person shall not in virtue of this Order be required to obtain any Certificate from the said Commissioners in order to obtaining such Appointment, but the Chief of the Department shall cause the Appointment of any Person not previously examined to be formally recorded as having been made on account of special Qualifications.

(Signed) WM. L. BATHURST.

FIRST REPORT.

WE, Your Majesty's Commissioners for conducting the examination of the young men proposed to be appointed to any of the junior situations in Your Majesty's Civil Establishments, humbly offer to Your Majesty the following Report:—

In making this Report at so early a period after our appointment, we have been influenced by various motives. We have reason to believe that the nature of our examinations has been misapprehended, and that the difficulty of them has been exaggerated.

We conceive that it would be very convenient to those persons who may contemplate entering into the public service, to be correctly informed as to the rules and qualifications which are prescribed by the various departments.

We feel also that the powers entrusted to us are so novel and peculiar as to render it our duty to take the first opportunity of giving a full account of the manner in which we have exercised them.

These considerations, moreover, will explain the grounds of our having placed in the Appendix to this Report, in much fuller detail than will be necessary on a future occasion, the regulations of the several departments, the actual questions that have been proposed to candidates whom we have examined in various cases, and the results of all the examinations which have been conducted under our superintendence.

The provisions of Your Majesty's Order in Council of the 21st May last, under which we were appointed, required that every person nominated to a junior situation after that date should obtain from us a certificate of qualification before entering on his duties. It became necessary for us, therefore, to make arrangements with as little delay as possible for the commencement of our examinations. Had these arrangements been deferred until a complete scheme adapted to the requirements of the several establishments had been settled, one of two inconvenient results would have followed,—either the Public Service would have suffered owing to the existence for a considerable time of numerous vacancies, or a large number of candidates would have entered without certificates upon the duties of their respective situations, and would have been obliged at subsequent periods to present themselves for examination.

Under these circumstances we deemed it advisable to place ourselves at once in communication with the authorities of the several departments, and to ascertain from them the subjects which they might deem it expedient to prescribe.

A circular letter, which will be found in the Appendix to the present Report, No. IV., was accordingly issued in the month of June last, and in the interval which has since elapsed replies have in the great majority of cases been received. In some instances where the system of departmental examination had previously existed, the information asked was supplied by reference to the Parliamentary Paper No. 216. of 1855. [See Appendix V.] In other cases the wishes of the departmental authorities were expressed with more or less precision, and correspondence has since taken place with the object of more accurately defining the description and degree of knowledge and ability which ought to be regarded as essential.

In the course of this correspondence modifications have occasionally been suggested by us, but in no examination which has yet been conducted under our directions (with the single exception of a competitive examination for clerkships in the Treasury) has the standard originally proposed by the departmental authorities been materially raised on our recommendation.

The Appendix contains a complete statement of the subjects of examination as at present arranged, together with selections from the correspondence

which has passed ; but it may be convenient to state briefly the general results of these arrangements.

Good handwriting, correct spelling, and some knowledge of arithmetic, usually including vulgar and decimal fractions, are requirements which every department, almost without exception, has deemed to be necessary.

And with respect to candidates for clerkships or other analogous situations, most departments have, in addition to the before-mentioned subjects, required the power of making an abstract or précis of correspondence or official papers, and some acquaintance with English composition.

When the business of a department has been mainly of a financial character, book-keeping, either by single or double entry, has been included amongst the necessary qualifications of a candidate.

Other subjects have likewise been prescribed by some departments, which have less direct relation to the business to be transacted, but which test the general intelligence and education of the candidates ; amongst them are the outlines of history, geography, Latin, or as an alternative some foreign language, either previously defined or left to the option of the candidate.

The varieties of detail in the different rules adopted by the several offices are set forth in the Tables (B.) and (C.) in Appendix I. to this Report, but we think it right to enter more particularly into the arrangements which have been established in some of the principal Government departments, and to call special attention to some valuable remarks on the general principles of the system which are to be found in portions of the correspondence.

Nature of the qualifications for the principal departments.

Admiralty.

The requirements for the clerks in the Somerset House branch of the Admiralty are as follows :—

1. Writing English from dictation ;
 2. English composition, and making a précis or digest of papers or correspondence ;
 3. Geography ;
 4. Arithmetic, including vulgar and decimal fractions ;
 5. A knowledge of the principles of book-keeping by double entry ;
- and the candidate must satisfy the Civil Service Commissioners that he has received a liberal education, by showing some proficiency in a subject comprised under one at least of the following heads :—
1. Latin or a modern language.
 2. The leading points of English or modern history.
 3. Algebra, Euclid, or any branch of mathematics or science.

We think that both the choice of these subjects, and the distinction established between the practical and intellectual branches of the examination, is extremely judicious.

The requirements for the clerks in the Whitehall branch of the Admiralty omit the subject of book-keeping, but include, absolutely and without the alternative option given to the candidate—

Translations from the French, and translations from the Latin or from a second modern language ; and

The leading points of English history.

For situations of a lower character in the dockyards, victualling yards, and naval establishments at home, a much lower scale of knowledge is required, which comprises only—

1. Writing English from dictation legibly, correctly, and quickly.
2. Arithmetic, including vulgar and decimal fractions.
3. Book-keeping.

War Department.

The qualifications for clerkships in the War Department have undergone much consideration by the Secretary of State for War, and have been very carefully adjusted. The following is the scheme as now settled :—

I.—*Permanent Clerks :*

1. Writing from dictation.
2. Arithmetic (to vulgar and decimal fractions).
3. English composition.
4. Précis.
5. Geography.
6. History (general outlines).
7. Latin, or one foreign language.

II.—*Permanent Clerks at Out-stations :*

1. Writing from dictation.
2. Arithmetic (to vulgar and decimal fractions .
3. Correspondence.
4. Geography (outlines).

III.—*Temporary Clerks :*

1. Writing from dictation.
2. Arithmetic (elementary).
3. Correspondence.

With respect to the Colonial Department, one of the last subjects which occupied the attention of the late Sir W. Molesworth was the extension of the system contemplated by the Order in Council of May last to the selection of writers for Ceylon. Colonial Department.

The respect which is universally entertained for the talents and attainments of that eminent person induces us to cite the following passage from his letter of the 16th October last.

After inviting our assistance to form a scheme of rules establishing tests of intellectual fitness, he proceeds thus :—

4. These rules ought undoubtedly to be such as to secure a considerable degree of natural talent and educational attainment in every gentleman sent out, considering the great importance of the duties which are entrusted to the members of this service.

But we must not proceed as if we were in search of the endowments which qualify for imaginative or speculative authorship. What we want is the practical ability and information which is appropriate to the superintendence of public affairs and the transaction of public business. I am therefore anxious that the scale of subjects and tests which you are to suggest, while of course comprising the leading features of a liberal education, should be given as far as possible a practical character.

5. Among other practical branches of knowledge, it appears to me that considerable value ought to be assigned in the proposed scale to an acquaintance with mercantile finance and accounts, and with civil engineering. The latter is to be regarded as a subject of importance from the circumstance that one of the main duties of the Government, in a half civilized community like that of Ceylon, is to promote mechanical works of improvement. I am also of opinion that a high place in the scale of subjects should be assigned to the native languages.

6. I am not, however, prepared to say, at least at present, that any of the above three subjects should be made a *sine quâ non*. With respect to the last, which is the most essential, there are at present few facilities of acquisition in this country, and due provision against deficiency upon this head is made by a local rule of the service, which prohibits the promotion of the junior members except upon their passing a proper examination in the language of the district of employment.

The correspondence thus commenced by the late Sir W. Molesworth has been carried on with his successor, Mr. Labouchere, and has resulted in the subjoined scheme of examination :—

CEYLON WRITERSHIPS.

Proposed Scheme of Examination.

I. Examinations.—Preliminary only in case of Competition.

1. Exercises designed to test handwriting and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. Geography, particularly that of British India and its dependencies.
4. Translation from one of the following languages—Greek, Latin, French, German, Spanish, and Italian—the selection being left to the candidate.
5. The preparation of a *précis* or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon each of these subjects will not be permitted to proceed further with their examination, and will not be eligible for appointments.

II. Final Examination in case of Competition.

1. Languages and literature of Greece and Rome.
2. Modern history, including that of the British Colonies and Possessions.—Exercises designed to test purity and elegance of style.
3. Elements of constitutional and international law.—Elements of political economy.
4. Pure and mixed mathematics, not including the highest branches.—Mercantile finance.
5. Geology, chemistry, and civil engineering.

Of the five classes of subjects thus defined candidates are at liberty to select any number not exceeding three in which they desire to be examined.

The death of Sir W. Molesworth prevented him from addressing his attention to the Order in Council, so far as it was applicable to the clerkships in the Colonial Office; but Mr. Labouchere has entered fully into the subject, and has favoured us with some valuable remarks on the principles upon which examinations for that Service should be established. These remarks are contained in a letter from Mr. Merivale, of the 27th December last, to which we must refer. We will confine ourselves to the following citations :—

A sound, and, if possible, a quick and versatile judgment, a mind trained to reasoning, retentiveness of memory, facility and accuracy of composition, a good knowledge of modern history and geography, and some knowledge of the elementary principles of law and jurisprudence, especially constitutional; these are among the qualities, natural and acquired, which may be said to be most frequently in requisition here, and which it is very desirable to ensure, as far as this can be effected by the test of previous examination. To these may be added a knowledge of the most generally diffused modern languages, not as of the same essential importance here as perhaps in some other departments, but still as valuable both directly for occasional use, and indirectly from the extensive range of knowledge which it opens to its possessor; a knowledge of figures and accounts, for which there is very frequent use; and lastly, classical acquirement, not of course as in itself often available, but from the test which it affords of early habits of application, and from its tendency to aid in mental development. Mr. Labouchere would also suggest, that, for the purposes of this department, great ability in one particular line should every now and then be received as a compensation for deficiency in others, as by a division of labour such special talents may easily be made available.

It is Mr. Labouchere's opinion, that whatever may be the value of an examination by way of test, if conducted by able and experienced hands, for eliciting proof of qualities such as these, yet a far greater and more effective security will be afforded by examinations conducted to a certain extent on the competitive principle.

But it is essential to bear in mind one consideration, which it may be feared rather adds to than diminishes the difficulty of dealing with the subject. Although the above description of the qualities required in the higher departments of this office is in no degree exaggerated, it is nevertheless true, to revert again to the opinion expressed in the report already cited, that the "official education" which occupies generally the first years of a clerk's employment (more or less according to circumstances over which the clerk himself can have but little control) must partake, in a great degree, of a mechanical character. Something has been done, since that report appeared, towards carrying out its recommendations that this class of business should be entrusted to copyists and others not on the establishment. Nevertheless it remains the case, and must in Mr. Labouchere's opinion so remain, that a large proportion of work, of little more than routine order, cannot be properly performed except by the regular clerks.

It may, therefore, be a considerable time before the higher qualities of which I have spoken are put seriously in requisition in each case, and in the meantime another order of qualities is required, not always found in combination with them. Mechanical accuracy, habits of carefulness, a ready and precise memory of details, punctuality and neatness in the discharge of minutiae, a readiness to take interest in comparatively uninteresting work, that gentlemanly spirit which prompts at once to co-operation with superiors and subordination to them, these and such as these are the qualities which in the Colonial Office, as elsewhere, are most commonly called into use during the earlier part of a clerk's employment.

The conclusions which Mr. Labouchere draws from these various, and to a certain extent conflicting, considerations, are the following :—

That the preliminary examination should be so directed as to draw out as far as possible the latter as well as the former class of qualities, a problem of which he recognizes the difficulty, and can only leave it to the practised experience of the members of the Civil Service Commission.

That whatever may be the character and acquirements of those who may succeed in the examination, the year of probation, at present required, ought by no means to be dispensed with.

Further, Mr. Labouchere believes that a system of open competition, under which duties, such as above described, should be simply intrusted, without other guarantee, to the performance of the cleverest and most ambitious youths, would be at least of doubtful advantage for the purposes of this department. Mr. Labouchere, however, does not wish to enter on this important general question further than is necessary to explain his intentions. For the present he means to place on his list of candidates for the office a certain limited number of young men, of whose character and qualifications he may have had reason to form a favourable opinion. When a vacancy in the establishment occurs, it is his design to leave it open for the competition of his list, leaving the decision between them to the Commissioners, if they do not object to this demand on their time and services. It would of course be open to the Commissioners to combine the system of competition with that of test, and to report, if such were their opinion, that no candidate before them was fit for selection.

After some further correspondence the scheme of examination was thus fixed:—

COLONIAL OFFICE.

Scheme of Examination.

I. Examination.—Preliminary only in case of Competition.

1. Exercises designed to test handwriting and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. Geography.
4. Translation from one of the following languages: Greek, Latin, French, German, Spanish, and Italian; the selection being left to the candidate.
5. The preparation of a précis or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon each of these subjects will not be permitted to proceed further with their examinations, and will not be entitled to certificates of qualification.

II. Final Examination in case of Competition.

1. Languages and literature of Greece and Rome.
2. Languages and literature of France, Germany, and Italy.
3. Modern history, including that of the British Colonies, with exercises in English composition, designed to test purity and elegance of style.
4. Elements of constitutional and international law; with elements of political economy.
5. Pure and mixed mathematics, not including the highest branches; with accounts and book-keeping.

Of the five classes of subjects thus defined candidates are at liberty to select any number not exceeding three in which they desire to be examined.

The Secretary of State for Foreign Affairs has not only prescribed rules for the examination of clerks admitted to his office, but has applied the provisions of the Order in Council to persons entering the diplomatic service as attaché or as consul; and has added a further examination on the occasion of promotion from the situation of unpaid attaché to that of paid attaché.

The arrangements which his Lordship has sanctioned for this purpose will be found to secure the admission into the different branches of the diplomatic service of such persons, and such persons only, as are well acquainted with the requisite foreign languages, and with those peculiar branches of knowledge and accomplishment which are likely to ensure their usefulness and success in the career which they have chosen.

Although the correspondence which has passed between the Foreign Office and this department, annexed to this report, has already been presented to Parliament by Your Majesty's command, we cannot forbear setting forth, as peculiarly deserving attention, the views of Lord Clarendon respecting the appointments in the diplomatic service, which are contained in Mr. Hammond's letter of the 17th December last.

The acquirements which Lord Clarendon conceives should be possessed by persons to be appointed to such situations differ in nature and degree from those which his Lordship considers sufficient for a person appointed to a clerkship; and while requesting you to convey to the Commissioners his lordship's wish that they should undertake to ascertain, by examination, the fitness of candidates for the diplomatic and consular services, I am

to explain to you the several points to which his lordship considers the examination should be directed and confined.

As regards the diplomatic service, Lord Clarendon, as at present advised, proposes that candidates should satisfy the Commissioners,—

- 1st. That they can write a good bold hand, with distinctly formed letters.
- 2ndly. That they can write English and French quickly and correctly from dictation.
- 3rdly. That they understand French well, can make an accurate and good translation of any French paper into English, and of any English paper into French, and can speak French with tolerable ease and correctness.
- 4thly. That they can make an accurate and good translation into English of a paper written either in German, Latin, Spanish, or Italian.
- 5thly. That they have a general knowledge of geography.
- 6thly. That they can make a clear and correct précis or abstract, in the form of a narrative, of any collection of papers placed in their hands.
- 7thly. That they have a general knowledge of modern history since the year 1789, and especially of the history of the country to which they are about to proceed, as regards its internal constitution and its relation to other powers.

With respect to this last head of examination, Lord Clarendon conceives that some text book should be settled beforehand, out of which candidates should be examined; and his Lordship would be obliged to the Commissioners, if they would suggest any such book in order that it may be specified on promulgating the regulations.

Lord Clarendon considers that the qualifications of candidates for first admission into the diplomatic service would be sufficiently tested by an examination in the several matters above specified.

But his Lordship proposes to carry still further the system of examination, and to subject all persons, on this advancement from the post of unpaid to that of paid attaché, to a further examination, which they would be required to pass—if in England, at the time of their promotion, or within one month after their arrival in England, before they are confirmed in their new office.

In this second examination, candidates would also be required to satisfy the Commissioners that they have a speaking and a writing knowledge of the languages of the several countries in which they have resided since their first appointment in the service; but in conducting these examinations it will be right, in regard to languages, to bear in mind the length of time during which candidates may have resided in the several countries, and also the comparative difficulty of acquiring the languages of such countries. Lord Clarendon would not except Russian, Turkish, Persian, and modern Greek from the list of languages to which a candidate who may have resided in the countries where they are spoken should be expected to have turned his attention, though he considers that much forbearance would be required in dealing with languages which (especially the first three) are so hard to be acquired.

Moreover, Lord Clarendon is of opinion that if a candidate who may be examined on promotion should have resided only in France or in the United States, he should be required to satisfy the examiners of his proficiency in one other language besides French. Furthermore, the candidates, on being examined on promotion, should be required to draw up a report on the general, commercial, and political relations of the several countries in which they may have resided; on their internal polity, their administrative and social institutions, and the character of the people. These reports, however, must not refer to current political affairs; and in order to prevent any inconvenience on this head, the candidates will be required to transmit their reports through the Foreign Office, and they should be eventually returned to the Foreign Office, and not be retained in the archives of the Commission.

Lastly, Lord Clarendon would be glad if the Commissioners would recommend to him any elementary work on international law, in which candidates could be examined on promotion. His Lordship considers that a moderate acquaintance with that subject might usefully be required of candidates for advancement to be paid attachés, though it might not be necessary to subject them to a rigorous examination in it.

The text books which the Civil Service Commissioners, in pursuance of Lord Clarendon's wish for their opinion, ventured to recommend, were Heeren's Historical Manual of the Political System of Europe and its Colonies, and M'Culloch's Geographical Dictionary; to which Lord Clarendon has since added the fourth volume of Russell's Modern Europe (last edition).

Treasury.

With regard to Your Majesty's Treasury, no case occurred during the last year in which our certificate was required in respect of any appointment in that department, but a correspondence took place on the subject, and the following scheme of examination was settled for clerkships on the establishment:

1. Exercises designed to test handwriting and orthography. Good handwriting to consist in the clear formation of the letters of the alphabet.
2. Arithmetic, including vulgar and decimal fractions.
3. First three books of Euclid.

4. History of England.
5. Geography.
6. Translations from one of the following languages—Latin, French, German, or Italian—the selection being left to the candidate.
7. The preparation of a précis or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon these subjects, and showing an entire ignorance and inability upon any one, will not be permitted to proceed further with their examination, and will not be entitled to a certificate of qualification.

Since the above scheme of examination was framed, a competitive examination for clerkships on the establishment of the Treasury has been conducted under our directions. See *post*, p. xvi.

We would willingly, but for the fear of prolixity, mention especially the rules adopted by the Board of Trade, the Committee of Privy Council for Education, and several others of the higher departments which have provided adequate and satisfactory tests both of practical accomplishment and intellectual attainments.

They resemble more or less those which we have already specially set forth.

By far the greatest part of the candidates for situations in the Civil Service who come under our examination belong to the War Department, Inland Revenue, Customs, and Post Office ; especially to the three former departments.

The Board of Inland Revenue had, previously to the Order in Council, established systems of examinations applicable to all persons appointed to junior situations in their offices, differing according to the different degrees of intelligence and knowledge required for such situations.

Inland Revenue.

The various orders issued by that Board, which are mentioned in the Appendix (pp. 73–76), some of which go back as far as 1848, will show the care and pains which were taken by them for ascertaining the qualifications of health, character, and intelligence possessed by persons receiving appointments in that department ; and some of their regulations in these respects we have ourselves adopted. At present the examinations for the junior situations in that department stand as follows :—

I.—*Offices of Receipt and Account ; and Surveyors of Taxes :*

1. Reading.
2. Writing from dictation.
3. Arithmetic (including vulgar and decimal fractions).
4. Book-keeping by double entry.
5. Correspondence.
6. Geography.
7. History of the British empire.

II.—*Offices not of Receipt and Account :*

1. Writing from dictation.
2. Arithmetic (including vulgar and decimal fractions).
3. Correspondence.
4. Geography.
5. History.
6. Latin (in the solicitor's office only).

III.—*Lieutenants of Revenue Police :*

1. Writing from dictation.
2. Writing (including vulgar and decimal fractions).

IV.—*Expectants of Excise :*

1. Writing from dictation.
2. Arithmetic (including vulgar and decimal fractions).
3. Book-keeping by double entry.

The preceding observation with reference to the Inland Revenue Department applies in a great degree to the Customs Department, except that the qualifications prescribed by the latter are not as yet quite so high as those adopted by the former department ; but on this point we are in correspondence with the Chairman of the Board of Customs, with a view to raise the different examinations to the same level as those relating to the Inland Revenue, which we are the more anxious to effect from having observed that in general the persons appointed to junior situations in the Inland Revenue are superior in intellect and education to those appointed in the Customs Department.

Customs.

Number of
Examinations.

The first examination conducted under our directions was held at the offices of the Commission in Manchester Buildings, Westminster, on Saturday the 30th of June 1855, and the Assistant Examiners whose services were employed on the occasion were the Rev. J. Woolley, LL.D., Admiralty Inspector of Schools, and William Spottiswoode, Esq., M.A., F.R.S., of Balliol College, Oxford. The second examination commenced on Thursday, the 12th of July, and from that period examinations have been held in every week excepting that which comprised Christmas Day.

It has also been a rule, in cases of urgency, to receive candidates at intermediate times, and the same indulgence has hitherto been frequently extended to candidates for the lower situations in the Customs department.

The following table shows the number of candidates in each department who were examined in London from the date of the Order in Council to the end of the last month :—

Department.	No. of Candidates examined.
Admiralty - - - - -	70
Audit Office - - - - -	20
Chelsea Hospital - - - - -	2
Civil Service Commissioners - - - - -	8
Colonial Land and Emigration Office - - - - -	2
Colonial Office (Ceylon writership) - - - - -	1
Committee of Council on Education - - - - -	36
Customs - - - - -	157
Exchequer - - - - -	1
Factories Office - - - - -	1
Foreign Office (unpaid attaché) - - - - -	1
General Register Office - - - - -	8
India Board - - - - -	4
Inland Revenue - - - - -	51
National Debt Office - - - - -	1
Police Court - - - - -	1
Poor Law Board - - - - -	1
Post Office - - - - -	30
Prisons Department - - - - -	6
Queen's and Lord Treasurer's Remembrancer's Office (Scotland) - - - - -	1
Stationery Office - - - - -	3
Trade (Board of) - - - - -	3
Treasury - - - - -	6
War Departments - - - - -	281
Woods (Office of) - - - - -	1
Works (Office of) - - - - -	1
Total - - - - -	697*

* During the same period there were 381 candidates examined in the provinces, making a total of 1,078. The number of certificates granted in the same interval was 676, and the number refused, 309.

Mode in which
the Examinations
have been con-
ducted.

The mode in which the examinations have been conducted in London has been the following :—The arithmetic paper has in most cases been given on the first morning, the time allowed being three hours and a half, and the afternoon has usually been occupied with three or four sums in compound addition, with dictation and exercises in orthography.

By reference to the Appendix (Tables B. and C.) it will be seen that from candidates nominated to clerkships in almost all the branches of the Customs department, and to various other situations, no further test of proficiency has been required. Others, whose examinations have included a greater variety of subjects, have occupied two days, and in some cases a third and even a fourth.

The collection printed in Appendix III. will sufficiently show the character of the papers which have been set, but with regard to the degree of proficiency which has been required, it is of course impossible to afford adequate means for forming a judgment. Some idea, however, may be derived from the detailed analysis of cases from the Admiralty and Customs, (inserted at

p. 29. of the Appendix,) in which we have found it necessary to refuse our certificate.

(1.) *Arithmetic*.—The elementary paper on arithmetic has been given to tide waiters and weighers, and to candidates for temporary employment in some departments. The papers commencing with “reduction” and ending with decimals have been placed before candidates for permanent clerkships in most of the civil establishments, and before other classes of candidates nominated to temporary employment. In some cases, it should be added, a portion only of the higher paper has been given. Thus, for example, from candidates for clerkships in several branches of the General Post Office, reduction, proportion, and practice only are required; in other cases vulgar and decimal fractions are not included.

The higher examination papers contain, it will be observed, in some cases as many as 40 questions; but either by the printed rules or by a memorandum at the head of the paper, candidates have been desired in the first place to answer *two* under each head, and then to proceed with any others which they might choose to select. The object of proposing so great a variety has been to ensure to each as far as possible an opportunity of satisfying the condition prescribed. No one who has complied with this requisition has been rejected on the ground of deficiency in arithmetic, and on the other hand many whose performances have fallen below this standard have received certificates of qualification.

Some questions have usually been prepared in these arithmetical papers beyond the range of knowledge required, with a view of giving to the candidate the opportunity of displaying his intelligence, but these questions have been sparingly introduced, and not being necessary portions of the examination have not been attempted by those who had only moderate attainments.

With regard to decimal arithmetic in particular it should be mentioned that the knowledge possessed by candidates has been, in the great majority of cases, defective. Many of the papers which have been set contain questions in division of decimals so framed as to present no difficulty whatever, except as to the position of the decimal point. Even these questions have been rarely attempted, and still more rarely attempted with success. The following table shows the number of rejections due to deficiency in arithmetic:—

Cause of Rejection.						No. rejected.
<i>Deficiencies in</i>						
Arithmetic alone	-	-	-	-	-	13
Do. and spelling*	-	-	-	-	-	33
Do. and writing	-	-	-	-	-	4
Do. and bookkeeping	-	-	-	-	-	6
Do. and language	-	-	-	-	-	4
Do., spelling, and writing	-	-	-	-	-	10
Do., spelling, and geography	-	-	-	-	-	1
Do., spelling, and history	-	-	-	-	-	1
Do., history, and geography	-	-	-	-	-	1
Do., spelling, and bookkeeping	-	-	-	-	-	6
Do., spelling, history, and geography	-	-	-	-	-	2
Do., spelling, geography, and bookkeeping	-	-	-	-	-	1
Do., spelling, writing, and bookkeeping	-	-	-	-	-	1
Do., spelling, history, and bookkeeping	-	-	-	-	-	1
Do., spelling, history, bookkeeping, and geography	-	-	-	-	-	1
Do., spelling, history, bookkeeping, geography, and writing	-	-	-	-	-	2
Do., précis, history, geography, and English grammar	-	-	-	-	-	1
Do., spelling, calculating per-centages, and book-keeping	-	-	-	-	-	1
						89

*Note.—Where two or more causes of rejection are specified, it is to be understood that each, had it stood alone, would have been deemed sufficient to prevent the grant of a certificate.

Where, however, the performances of a candidate in any prescribed subject have been such as to render it doubtful whether he had done sufficient to allow of his passing, the display of proficiency in other branches has been permitted to turn the scale in his favour.

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p. 29. of the Appendix,) in which we have found it necessary to refuse our certificate.

(1.) *Arithmetic.*—The elementary paper on arithmetic has been given to tide waiters and weighers, and to candidates for temporary employment in some departments. The papers commencing with “reduction” and ending with decimals have been placed before candidates for permanent clerkships in most of the civil establishments, and before other classes of candidates nominated to temporary employment. In some cases, it should be added, a portion only of the higher paper has been given. Thus, for example, from candidates for clerkships in several branches of the General Post Office, reduction, proportion, and practice only are required; in other cases vulgar and decimal fractions are not included.

The higher examination papers contain, it will be observed, in some cases as many as 40 questions; but either by the printed rules or by a memorandum at the head of the paper, candidates have been desired in the first place to answer *two* under each head, and then to proceed with any others which they might choose to select. The object of proposing so great a variety has been to ensure to each as far as possible an opportunity of satisfying the condition prescribed. No one who has complied with this requisition has been rejected on the ground of deficiency in arithmetic, and on the other hand many whose performances have fallen below this standard have received certificates of qualification.

Some questions have usually been prepared in these arithmetical papers beyond the range of knowledge required, with a view of giving to the candidate the opportunity of displaying his intelligence, but these questions have been sparingly introduced, and not being necessary portions of the examination have not been attempted by those who had only moderate attainments.

With regard to decimal arithmetic in particular it should be mentioned that the knowledge possessed by candidates has been, in the great majority of cases, defective. Many of the papers which have been set contain questions in division of decimals so framed as to present no difficulty whatever, except as to the position of the decimal point. Even these questions have been rarely attempted, and still more rarely attempted with success. The following table shows the number of rejections due to deficiency in arithmetic:—

Cause of Rejection.						No. rejected.
<i>Deficiencies in</i>						
Arithmetic alone	-	-	-	-	-	13
Do. and spelling*	-	-	-	-	-	33
Do. and writing	-	-	-	-	-	4
Do. and bookkeeping	-	-	-	-	-	6
Do. and language	-	-	-	-	-	4
Do., spelling, and writing	-	-	-	-	-	10
Do., spelling, and geography	-	-	-	-	-	1
Do., spelling, and history	-	-	-	-	-	1
Do., history, and geography	-	-	-	-	-	1
Do., spelling, and bookkeeping	-	-	-	-	-	6
Do., spelling, history, and geography	-	-	-	-	-	2
Do., spelling, geography, and bookkeeping	-	-	-	-	-	1
Do., spelling, writing, and bookkeeping	-	-	-	-	-	1
Do., spelling, history, and bookkeeping	-	-	-	-	-	1
Do., spelling, history, bookkeeping, and geography	-	-	-	-	-	1
Do., spelling, history, bookkeeping, geography, and writing	-	-	-	-	-	2
Do., précis, history, geography, and English grammar	-	-	-	-	-	1
Do., spelling, calculating per-centages, and book-keeping	-	-	-	-	-	1
						89

**Note.*—Where two or more causes of rejection are specified, it is to be understood that each, had it stood alone, would have been deemed sufficient to prevent the grant of a certificate.

Where, however, the performances of a candidate in any prescribed subject have been such as to render it doubtful whether he had done sufficient to allow of his passing, the display of proficiency in other branches has been permitted to turn the scale in his favour.

(2.) *Dictation*.—The course pursued has been to select a passage of average difficulty, to read it through in the first instance with ordinary rapidity in order that its general purport might be understood, afterwards to read it more slowly so as to allow of its being taken down, and then either to read it once more or to give the candidates time to look over and correct their performances. Under this head may be mentioned also the lithographed MS. which has been given in cases where it was deemed desirable to employ a further test of orthography, and the copying of which, with the requisite emendations, will not be regarded as a task of any great difficulty. This exercise has not, however, been given to candidates for the lower appointments in the Customs department, “tolerable” spelling only being in their case required.

We may here observe, that, although the range of examination includes, in some instances, Latin, or a modern foreign language, history, geography, &c., the great majority of rejections have been occasioned, not by ignorance of these subjects, but by inability to spell with ordinary accuracy. The failures, moreover, have not been errors in words of rare occurrence or technical character, but discreditable mistakes in those of every-day use.

With regard to two extensive departments—the Admiralty and the Customs—a table given in Appendix I. (Table H.) shows the mistakes made by each rejected candidate both in writing from dictation and in copying the lithographed MS. The cases thus analysed constitute more than a third of the whole number of rejections, and it has not been deemed necessary to undertake the same laborious task with regard to the remainder. It must be added that every doubtful case has been excluded from the catalogue of errors, and that bad writing has probably in a good many instances sheltered bad spelling. The rejections to be enumerated under this head are 41 for deficiencies in spelling alone, 23 for deficiencies in both spelling and writing, 27 for deficiencies in both spelling and arithmetic, and 72 for deficiencies in spelling combined with other faults.

(3.) *Handwriting*.—In the communications received from most of the departments considerable stress has been laid on this accomplishment. In a further part of the report we shall make some remarks on this subject; we shall here only notice that defective handwriting formed part of the grounds upon which 44 persons were rejected.

(4.) *Bookkeeping*.—On reference to the Appendix it will be seen that in some cases “bookkeeping” simply, in others “bookkeeping by double entry,” and in others again “a knowledge of the principles of bookkeeping,” has been required. The various papers have been adapted, as far as possible, to these distinctions of phraseology, and in decisions on doubtful cases regard has been had to the degree of proficiency which the departmental authorities required. From candidates for situations in the Inland Revenue Department a higher degree of proficiency has been required than that which in some other cases has been deemed sufficient.

The number of rejections on account of failure in bookkeeping *alone* was only 3, but in 24 other cases the deficiencies in this subject were sufficient to warrant the refusal of a certificate.

(5.) *Latin and Modern Foreign Languages*.—It will be seen that passages for translation from English into other languages have in several papers been printed with those intended for translation into English, but the former accomplishment has not been treated as essential in any instance, except where specially prescribed by the department. Nor has it been deemed necessary that *all* the passages set for translation into English should be rendered by the candidate. The actual rejections to be enumerated under this head are 25; viz., 10 for deficiencies in a language simply, and 15 for deficiencies in that and other subjects together.

(6.) *History and Geography*.—Questions have been set on these subjects of very different degrees of difficulty, and a most erroneous idea would be formed as to the standard which has been fixed were it supposed that any large proportion of a paper had in a single instance been required to be answered. The rejections have been limited to cases in which the subjects were wholly omitted, or in which gross and discreditable ignorance was shown, with no accurate knowledge whatever to justify a favourable decision. In no single instance,

however, have deficiencies in these subjects been the sole cause of rejection. 19 candidates have been rejected for failure in history and other subjects in conjunction, and 23 have been rejected for deficiencies in geography combined with other failings.

The preceding remarks will show the mode in which the several subjects have been dealt with; and we deem it right to take this opportunity of stating that with regard to those subjects with which it is for practical purposes necessary that a junior clerk should possess a fair acquaintance at his entrance in the public service, an effort has been made to maintain a standard not unreasonably high, but of sufficient elevation to prevent the intrusion into the public service of candidates whose inefficiency would injure and whose ignorance would disgrace it. With regard to subjects of a different class—as, for example, history and geography—although it would have been impossible to admit those who had done nothing, or, if the phrase may be allowed, less than nothing, an amount of knowledge certainly not exceeding that which would be gained at schools of the most moderate pretensions has been received as sufficient.

The competitive examinations conducted at this Office up to the 1st of March were 13 in number; and reserving for the present a few observations which will be found in a subsequent page, it may be desirable to state here some particulars as to the circumstances under which they were held, and their results.

Competitive
Examinations.

The experiment of limited competition has been twice tried in examinations for junior situations in our own department, the subjects named being in the first case,—

1. Writing from dictation.
2. Arithmetic (to vulgar and decimal fractions).
3. Précis of papers.
4. Correspondence.
5. Geography.
6. History.



And in the second case,—

1. Writing from dictation.
2. Arithmetic (including vulgar and decimal fractions, interest, and annuities, square root, and the use of logarithms).
3. Book-keeping.
4. English composition.
5. Geography.
6. History of England.
7. Latin.
8. French.

For junior situations in the establishment of the War Department and its outstations, seven competitive examinations have been held.

The papers set at the first of these examinations will be found in Appendix III.

The examination of candidates, on October 4th, nominated to compete for a single vacancy on the establishment of the War Department (War Office) deserves particular notice from the circumstance that two competitors having been reported equal, and the performances of each having been highly creditable, the Secretary of State for War was pleased to give appointments to both.

In the month of November an examination of candidates nominated to compete for supplementary clerkships in the department of the Committee of Council for Education was held at the request of the Lord President. The examination was in this instance divided into two portions, the first two days being devoted to subjects deemed of indispensable necessity, and two subsequent days to others selected as tests of intelligence and general education. Out of 31 candidates 21 were excluded as not having passed the preliminary examination; and to the ten who were admitted to the final examination, appointments were given by the Lord President.

We must mention in this place the examinations held at Dublin of two candidates nominated to compete for a clerkship in the office of the Chief

Secretary for Ireland. The duties of assistant examiner were in this case (as they have since been in others) undertaken by Robert Ball, Esq., LL.D., M.R.I.A., Secretary to the Queen's University in Ireland.

Although the detailed tables in the Appendix are made up to the 31st of December, a summary of competitive examinations to the end of February may here be introduced.*

Date of Competition.	Department.	No. of Situations competed for.	No. of Candidates.	
			Nominated.	Examined.
1855: July 3 - -	Civil Service Commission - -	1	3	3
" August 2 - -	War Department (Ordnance) - -	3	19	15
" September 3 - -	War Department (Ordnance) - -	1	4	3
" October 4 - -	War Department (War Office) - -	1	28	17
" October 11 - -	War Department (Ordnance) - -	2	36	21
" November 8 - -	Civil Service Commission - -	1	5	5
" November 12 and 16 - -	Committee of Council on Education - -	10	39	31
" November 16 - -	Chief Secretary's Office, Dublin - -	1	2	2
" December 13 - -	War Department (Ordnance) - -	22	54	37
1856: January 22 - -	War Department (Ordnance) - -	2	18	13
" January 22 - -	Audit Office - -	2	4	4
" January 22 - -	Customs (Landing Waitership) - -	1	3	2
" January 22 - -	Directors of Prisons (Ireland) - -	2	6	5
" February 19 - -	War Department - -	7	21	13
" February 19 - -	Treasury - -	2	5	4
		58	247†	175†

* Three other competitions will, it is arranged, take place in March for Departments in Ireland; viz., for the Chief Secretary's Office, the Constabulary Office, and the Office of the Loan Fund Board.

† The difference between the numbers nominated and examined is caused by the nonappearance of some candidates, the withdrawal of others from the competition, and the disability of a certain number in consequence of their not being within the prescribed limits of age.

Provincial Examinations.

From the supplementary table printed in Appendix I. it will be seen that the total number of candidates examined under our direction, but not at the offices of the Commission, up to March 1st, was 381, and that the nominations were to the following departments:—

Admiralty - - - -	4
Board of Fisheries (Scotland) - - - -	1
Chief Secretary's Office (Ireland) - - - -	2
Customs - - - -	145
Directors of Prisons Office (Ireland) - - - -	5
Inland Revenue - - - -	204
Inspectors of Prisons Office (Ireland) - - - -	1
Post Office - - - -	10
Registry of Deeds (Ireland) - - - -	3
War Department - - - -	6
	381

We must add a few particulars as to the circumstances under which these examinations have been held.

It has already been stated that in several of the civil establishments departmental examinations had existed previously to the issue of the Order in Council. In the case of candidates nominated to appointments in the country these examinations were usually conducted by the resident officers of the departments who were entrusted with the duty of framing the questions to be proposed, presiding over the examinations, and reporting on the merits of the candidates. In the Customs department the great majority of those so examined were tidewaiters and weighers; in the Inland Revenue they belonged for the most part to the class termed expectants of Excise. On the issue of Your Majesty's Order in Council it became necessary that these local examinations should by some means be brought under our control, but as it was undesirable that the number of candidates required to attend at the offices of the Commission should be unnecessarily increased until our arrangements had been in some degree

matured, it was thought best that the system previously in existence should, with the important modification about to be mentioned, be maintained for a time at least. The modification in question has been this:—in every case the questions set and the answers sent in, together with the specimens of writing from dictation, have been transmitted to the offices of the Commission, together with the necessary evidence as to age, health, and character, and on the papers thus brought under our cognizance our decisions have been arrived at.

The examinations held at Dublin have been superintended by Dr. Ball.

In order that uniformity of standard might, as far as possible, be maintained, it has been thought desirable that these examinations should be conducted by means of papers sent from the offices of the Commission; and these papers, together with the answers sent in by the candidates and detailed reports by Dr. Ball, have subsequently been considered and laid before us.

The course recently adopted with regard to expectants of Excise has been to supply from this office the necessary examination papers which have been placed before the candidates by the local officers of the department, and subsequently returned with the answers sent in for our inspection. An extract from an interesting report on one of these examinations, addressed by Mr. Fletcher, the Comptroller General of Scotland, to the Inland Revenue department, will be found in the Appendix.

We propose, with the concurrence of the authorities of the several departments, to conduct, for the present, in the mode which has been described all examinations not held at the offices of the Commission.

Every candidate who has been examined at the offices of the Commission in London has been permitted to select, if he thought proper, other subjects in addition to those required for the situation to which he was nominated. The rules laid down with regard to these have been,—(1) that in the case of those who passed in the prescribed subjects and acquitted themselves creditably in the extra subjects, honorary additions specifying the subjects and characterizing in the terms which appeared appropriate the degree of proficiency displayed should be made to the certificate of qualification; and (2) that in the case of those who either failed in the prescribed subjects or did not show any acquaintance deserving commendation with those selected by themselves no notice should be taken of the voluntary portion of the examination. The range of selection allowed has been, as will be seen from the Appendix, one of considerable extent. The following summary shows, with regard to a few of the most popular subjects, the number of candidates who, at the end of 1855 had obtained honorary additions to their certificates:—

Extra or Voluntary Examinations.

French	-	-	-	-	29	candidates.
German	-	-	-	-	7	„
Spanish	-	-	-	-	4	„
Italian	-	-	-	-	3	„
Latin	-	-	-	-	14	„
Greek	-	-	-	-	7	„
Book-keeping	-	-	-	-	14	„
History	-	-	-	-	7	„
Geography	-	-	-	-	4	„
Mathematics, elementary	-	-	-	-	9	„

The generality of the terms of the Order in Council, which require all persons appointed to junior situations to obtain from us certificates of qualification, has necessarily brought under our cognizance the numerous cases in which temporary or extra clerks in any department have been appointed to junior situations on the establishment of that department, and also the cases which have occasionally, but rarely, occurred in which a clerk already in the employment of one department has been appointed to a junior situation in another.

Course adopted with regard to Temporary Clerks proposed to be appointed to the Establishment.

We have been anxious to deal with these cases in the spirit of the Order in Council, and in such a mode as to produce the least possible amount of inconvenience and disappointment to candidates thus circumstanced.

Where, according to the rules in force in any department, the subjects of examination of temporary or extra clerks have been the same as those for junior situations on the establishment, we have not deemed it necessary to re-examine

the candidate upon his appointment to such junior situation; and where the subjects of examination have not been the same for these temporary and permanent situations and the candidate has already obtained our certificate for the temporary situation, we have limited ourselves to the examination of the candidate in those subjects only in which he had not been previously examined; and we have pursued an analogous course in respect of the transfer of a clerk from one department to a junior situation in another department.

In other cases of this description where the original appointment had been made before the date of the Order in Council, and where consequently the examination on that occasion had taken place not under our authority, but under the direction of the department to which the candidate belonged, we have, upon the occasion of the appointment of such candidate to another junior situation, accepted, in lieu of an examination, a report from the department certifying his age, health, and character, and that he possesses the requisite knowledge and ability for the proper discharge of the duties of the office to which he is appointed.

This remark, and those immediately preceding it, will account for the column in table D. which is headed, "Admitted upon Reports from Departments," and which states the number of certificates so granted.

Agency employed
in conducting the
Examinations.

In concluding our statements with respect to examinations, we must not omit to notice the agency by which they have been conducted.

In this essential and delicate duty we have obtained the assistance of gentlemen whose character, acquirements, and experience in examinations have rendered them peculiarly fit for the task.

Some of these gentlemen have given us their continuous assistance; others have been called in as the occasion has required; but we owe to each of them our thanks for their valuable co-operation.

We subjoin their names and academical positions.

Now employed continuously.

Theodore Walrond, Esq., M.A., Fellow of Balliol College, Oxford.

Edward Headlam, Esq., M.A., Fellow and Assistant Tutor of St. John's College, Cambridge.

Employed occasionally.

W. F. Edwards, Esq., M.A., Fellow of Trinity College, Cambridge.

F. Vaughan Hawkins, Esq., B.A., Fellow of Trinity College, Cambridge.

G. W. Hemming, Esq., M.A., late Fellow of St. John's College, Cambridge.

E. J. Lawrence, Esq., M.A., late Fellow of Trinity College, Cambridge.

J. G. Maitland, Esq., M.A., F.R.S., late Fellow of Trinity College, Cambridge.

Edward Poste, Esq., M.A., Fellow of Oriel College, Oxford, and late Classical Moderator.

William Spottiswoode, Esq., M.A., F.R.S., of Balliol College, Oxford.

Rev. J. Woolley, M.A., LL.D., late Fellow of St. John's College, Cambridge.

For Examinations in Ireland.

R. Ball, Esq., LL.D., M.R.I.A.; Secretary to the Queen's University in Ireland.

At the commencement of our proceedings it became essential that we should secure the services of an able secretary, and we deemed ourselves fortunate in persuading Mr. James Spedding to undertake the office.

His previously formed literary engagements did not allow him to remain with us, and we appointed Mr. Maitland as his successor.

This appointment was suggested to us by the ability with which Mr. Maitland had assisted us in the conduct of our examinations, and the result has fully justified our expectations.

We have likewise derived much assistance from our registrar, Mr. Horace Mann, whom we selected solely on account of his proved ability in subjects connected with statistics and education.

Mr. Edward Romilly, Chairman of the Board of Audit, was named as our colleague in the Order in Council, and we had the advantage of his assistance

during the early part of our proceedings; but considerations of health, and the necessary demands on his time arising from his duties in that important department, obliged him to withdraw from this Commission on the 26th of November last.

Having thus endeavoured fully to describe the nature of the examinations prescribed for the several departments, our manner of conducting them, and their results, we shall proceed to offer some general observations which have been suggested to us by the experience we have acquired, and we shall address them successively to the several topics which we have hitherto touched upon. General Observations.

The great differences which exist in the situations for which certificates of qualification are required render it obviously desirable that there should be corresponding differences in the standards by which the knowledge and ability of candidates are tested. It will, however, be apparent, on reference to the tables printed in the Appendix, that the schemes of examination there collected have been framed with little regard to this principle. There are, indeed, numerous variations, but they have arisen principally if not entirely from the circumstances under which the schemes were framed. It has already been stated that we deemed it expedient to adopt, not only in substance but with almost literal exactness, the suggestions furnished by the authorities of the several departments, and it was not to be expected that these suggestions should be in all respects identical.

As the duties and prospects of a junior clerk in a large proportion of Your Majesty's Civil Establishments are nearly the same, we consider that greater simplicity of standard would be desirable, and at the same time easily to be attained. With the view of obtaining this simplicity we propose to place ourselves in communication with the heads of the departments, to ascertain clearly from them the *specialités* which they regard as necessary, and to submit for their consideration schemes of examination in which these *specialités* will receive due attention, while at the same time the ordinary attainments required by all alike are defined in uniform terms.

There are some qualifications, however, which appear to us to be indispensably necessary to a junior clerk in every Government office, and, with very few exceptions, to all persons appointed to any junior situation; viz.:—

To write a good hand.

To be able to spell correctly.

To be able to write a simple letter grammatically.

To be conversant with the elementary portions of arithmetic.

There is doubtless some little difficulty in deciding what shall be the minimum of handwriting. We know no better definition than that which we find in the rules for examination authorized by the Lords Commissioners of the Treasury, namely:—"that good handwriting should consist in the clear formation of the letters of the alphabet."

Having regard also to the use, in several departments, of copying machines, we conceive that the requirement of the Committee of Council of Education in this respect, "that the handwriting should be rapid, neat, and of that even stroke which allows legible copies to be taken by pressing," would be reasonable and useful in various cases.

We regret to say, that hitherto we have found it impossible to place the standard of writing generally on this satisfactory footing. Had we insisted on it the public service would have been obstructed by the rejection of the great number of candidates whose writing does not satisfy either of these conditions.

We hope, nevertheless, that in a short time when it shall have become publicly known that such good handwriting as is above described is indispensable, the candidates who are sent to us will have made themselves masters of an accomplishment which we believe it to be within the power of every diligent person to attain.

The requirement of correct spelling is not only necessary in order that the correspondence of the department may not be discreditable, but also as shewing whether the candidate has received a good education.

The statement on p. xiv. will have shown how many failures have taken place in this simple branch of knowledge. The most frequent of these failures have

been of course amongst the candidates for the lower situations, especially tidewaiterships.

With regard to these, we have, in accordance with the rule prescribed for their examination by the authorities of the Customs, limited the requirement of orthography to "tolerable spelling only;" and we think that it will be admitted, on inspection of the Table G. in the Appendix showing the spelling in various cases of rejection, that we have not excluded any one who satisfies that definition.

The numerous cases in which we have been obliged to refuse certificates on account of bad spelling might, unless otherwise accounted for, lead to an unfavourable conclusion as to the state of education of the middle classes in this country, from which classes a large number of the inferior officers of the Government departments are taken. We believe, however, that there exists no want of sufficiently well-educated persons to supply the vacancies in these offices; and that the frequent occurrence in candidates of deficiency in the simplest elements of knowledge arises from the fact that many of the inferior appointments are made, without personal knowledge of the fitness of the party, on the recommendation of some other person, who is desirous, not of supplying the public with a useful officer, but of making a competent provision for a friend.

The requirement which many departments have deemed necessary of the ability to make an abstract or précis of official papers or correspondence calls for some remarks.

Of the importance and utility of such an accomplishment we cannot entertain the slightest doubt; and we believe that there is hardly any mode in which a clerk can render more efficient service to his superior in office than by presenting before him a succinct, faithful, and intelligent abridgment of any document or correspondence upon which questions may arise; but we consider that it will not often occur that a candidate, unless he has previously been taught and exercised in this particular duty, will show any great proficiency therein; and we find considerable practical difficulty in effectively examining persons in this requirement, owing to the length of time which must necessarily be occupied by a candidate, first in making himself master of the documents which he is called upon to abstract, and afterwards in concisely abstracting them.

We are not prepared, however, to recommend the departments who have adopted this particular subject of examination to dispense with it; as we hope that, when it is publicly and generally notified, those persons who are likely to enter into the public service will take proper steps for procuring the necessary instruction.

In the case of competitive examinations, we think that the making a précis may be usefully introduced as one of the subjects, and that as it tests several important intellectual qualities it should be valued highly in the relative distribution of marks assigned on these occasions.

With respect to another subject of examination, which is considered by many offices as necessary (namely), book-keeping, we regret to state that comparatively few candidates have shown an accurate or intimate knowledge of it.

Although the principles of this branch of knowledge are not difficult of acquisition, the application of these principles is much better and more quickly learned by practice in reference to real business than by working out artificial examples from books or under the guidance of a teacher; and we believe that where familiarity with book-keeping is not practically essential to a clerk at his first entrance on his duties, the knowledge which may be ultimately desirable will be best obtained in the office itself, and under the instruction of senior members of the establishment. Conceiving also that book-keeping is not a good test of natural intelligence or educational attainment, we have been disposed to discourage its adoption as a subject of examination, except in the Inland Revenue Department, the Admiralty, and some other offices where there is much business of a financial and commercial character, or where there exist, as in our own office, other special reasons for requiring it.

We have already mentioned that there are some other prescribed subjects of examination which have not a direct relation to the future employment of the candidates, but are intended as tests of education and intellect.

We consider these to be exceedingly useful in determining the positive merits of a nominated candidate, and as indispensable in ascertaining the relative merits of candidates in a competitive examination.

Moreover, if the examinations were exclusively in subjects specially connected with the duties of the departments, they would injuriously affect the general education of those who might be destined to enter the public service. Their attention would be mainly or entirely directed to those subjects, to the neglect of those branches of general knowledge which experience has shewn to be most fitted for invigorating the intellect and maturing the judgment.

We have already stated the number and circumstances of the competitive examinations which have been conducted under our direction. We do not think it within our province to discuss the expediency of adopting the principle of open competition as contra-distinguished from examination; but we must remark, that both in the competitive examination for clerkships in our own and in other offices those who have succeeded in obtaining the appointments have appeared to us to possess considerably higher attainments than those who have come in upon simple nomination; and we may add, that we cannot doubt that if it be adopted as a usual course to nominate several candidates to compete for each vacancy the expectation of this ordeal will act most beneficially on the education and industry of those young persons who are looking forward to public employment.

The examination in extra subjects forms not an unimportant item in our arrangements. It appeared to us that it might be of advantage, both to the public service and to the candidates themselves, if, in addition to the subjects prescribed by the departments to which the candidates were appointed, opportunity should be afforded to them of showing their ability and acquirements in other branches of knowledge.

We have therefore allowed and encouraged candidates to offer themselves voluntarily to be examined on any subjects with which they might believe themselves to be well acquainted, and, as before stated, we have added, as a supplement to their certificates of competency, a statement of the results of such examinations.

These arrangements promise to be satisfactory. The candidates have gladly availed themselves of these opportunities, as will be perceived from the table (K.) in the Appendix I.; and on various occasions have displayed considerable proficiency, not only in those subjects which are a test of a previous good education, but likewise in some acquirements which are likely to be of special use in their future career. Amongst these we would advert especially to the knowledge of modern foreign languages.

One immediate result of these certificates in extra subjects we think it right to notice. In the case of Mr. J. H. Moore, a candidate examined by us, the honorary addition to his certificate has been the means of his obtaining promotion. The following letter will explain the circumstance referred to:—

Sir,

Inland Revenue,
15th December 1855.

I beg leave to acquaint you that in consequence of the special certificate given by the Civil Service Commissioners in favour of James Henry Moore, a clerk in the Warehouse Department of this office, the Board of Inland Revenue made a representation to the Treasury of Mr. Moore's apparent fitness for higher employment, and that their Lordships have in consequence conferred upon him a nomination as a Supernumerary Surveyor of Taxes.

The qualifications required for this situation being the same as those demanded of a clerk in an office of account in this department, the examination for which Mr. Moore has passed, his attendance again before the Civil Service Commission is unnecessary; but the Board have desired me to make this communication to you because the circumstance affords an instance of the value of the labours of the Commission to intelligent and well-educated candidates.

I have, &c.
(Signed) THOMAS KEOGH.

We have thought it right to enter thus fully into the subject of our examinations, considering them to constitute the most important portion of the duties entrusted to us.

We do not wish, however, to be understood as holding the opinion that an intellectual examination, however carefully conducted, affords a complete and unerring test of the qualifications of candidates for official employment.

We admit that there are aptitudes for the transaction of business which cannot be discovered or measured by this process ; but it is nevertheless certain that our examination furnishes the means of excluding the incompetent, and where competing examinations take place, or the candidate submits himself to voluntary examination in extra subjects, his intellectual qualities may, to a great extent, be accurately ascertained. In this manner the departments are supplied with information as to the capacity and special acquirements of their clerks, and are better able to judge of the most advantageous mode of applying their services in the transaction of public business and of the relative merits of parties, which have to be weighed in cases of promotion.

We have satisfaction also in knowing that if, notwithstanding the examination by the Commission, any incompetent person should find his way into the public service, the period of six months' probation, which the Order in Council requires, will afford an opportunity to the department to ascertain his deficiencies, and to dispense with his services. We expect to derive advantage from watching the results of this probation, and accordingly we propose to request the several departments to inform us of every case in which candidates who have received our certificates shall have been found inefficient, so as not to justify the confirmation of their appointment. We think that this information may enable us to ascertain and to remedy defects which may exist, either in the principle or the practice of our examinations.

We have thus far addressed ourselves exclusively to that portion of our proceedings which relates to the examination of candidates for the purpose of ascertaining their intellectual qualifications.

This, however, is only one of the points to which we are required by the Order in Council to direct our attention.

We shall proceed to offer some observations on the other points which that order requires us to ascertain, (namely,) age, health, and character.

There is at present some variety in the rules in force in different departments with respect to the minimum and maximum ages of admission.

With regard to the minimum, it seems to us desirable that it should not be fixed so low as to encroach on the ordinary period allotted to education, inasmuch as the amount and nature of the official occupations of a junior clerk is generally such as to leave but little opportunity to him of supplying deficiencies in his previous general education.

It is more difficult to arrive at a definite opinion as to the maximum age at which a candidate should be admissible on the permanent establishment of the departments.

It is obviously inexpedient, however, in reference to the maintenance of due subordination, and it is unfair to the younger clerks, to place a man of thirty years of age in the same class with youths of eighteen, and such discrepancies in the age of admission necessarily create anomalies and difficulties with regard to the period and pecuniary incidents of superannuation.

The age most usually prescribed by the several departments as the maximum for admission is 25, and we do not think that a higher limit should be adopted.

With regard to health, we have in general been satisfied with a certificate from a respectable medical practitioner who had personal knowledge of the candidate, and could declare that he was not subject to any disease or infirmity which would be likely to interfere with the proper discharge of his duties.

If in any case the terms of such certificate have been such as to leave any doubt in our minds as to the health of the candidate, we have called in the assistance of a medical adviser to act on our behalf, and to inspect the candidate, to make such inquiries respecting him as he might judge requisite, and to report to us the result.

We have been assisted in this part of our duty as regards candidates for situations in the Customs by the authorities of that department. The Commissioners of Customs have continued the system which they had previously adopted, of requiring all persons nominated to situations in London to come before the medical officer of the department, and have transmitted to us the written opinion of that officer respecting every such candidate whom they have sent to us for examination.

The duty of ascertaining the character of the candidate is attended with considerable difficulty.

To obtain accurate information on that point, to correspond with his referees,

to follow up the history of his previous life, would necessarily occupy so long an interval as to create serious inconvenience to the public service by the continued vacancy of the office to which the candidate may have been appointed.

Even the period of a single week, which is barely sufficient to complete the intellectual examination where the prescribed subjects are numerous, and to decide on its results, has given rise to inquiries by the departments as to the cause of delay in granting certificates.

We have endeavoured to meet these difficulties by regulations which will be found in a circular addressed to the heads of departments set forth in the Appendix IV.; but we are well aware of the proverbial facility with which favourable testimonials are obtained from partial or good-natured friends, and we think that although some security against the admission of unworthy persons will be derived from our arrangements, care should be taken that the individual who actually nominates should not be relieved from responsibility on this point, by transferring it to the Civil Service Commissioners.

In closing the narrative of our proceedings, and the observations and suggestions which we have thought it right to offer, we cannot forbear adverting to our relations with the public departments.

The correspondence annexed to this Report will show that in the discussion, both of the general principles and of the practical details of the examinations, we have had the advantage of the advice and co-operation of the heads of the various departments of the Civil Service; but as regards the particular cases of the individuals subjected to our examination there has been an entire absence of interference, and a tacit but complete recognition of the judicial nature of our functions, on the part of Your Majesty's government.

Without this recognition of our independence, and without the support we have thus received, we could not have overcome the various difficulties which, owing to the novel and invidious nature of our functions, we have had to encounter.

The necessity of refusing our certificates in so large a proportion of cases, as we have before stated, on the ground of defect not of character but of intellectual qualification, has been extremely painful to us; but we hope that, whilst performing this portion of our duty with firmness and impartiality, we have not been unmindful of the allowance which should justly be made for those deficiencies in the candidates which have arisen from their total inexperience of examinations, and the natural anxiety incidental to their position.

In all cases, whether of success or failure of the candidates, although we have had ample assistance from the gentlemen who have conducted our examinations, as well as from our secretary and other officers, we have reserved to ourselves alone the duty of granting or refusing a certificate, and for these and all other acts done under our authority we hold ourselves exclusively responsible. We cheerfully admit this responsibility, and we desire in this full and unreserved report and its appendices to afford all the materials necessary for forming a correct judgment of every part of our proceedings.

All which we humbly submit to Your Majesty's most gracious consideration.

Witness our hands and seals this fourth day of March One thousand eight hundred and fifty-six.

EDWARD RYAN. (L.S.)

JOHN GEORGE SHAW LEFEVRE. (L.S.)



APPENDIX I.

STATISTICAL TABLES, &c.

TABLE A.—LIMITS of AGE prescribed for ADMISSION to the various CIVIL DEPARTMENTS.

** Departments not mentioned in this Table have at present no fixed regulations as to the age of officers on admission. A general extension of the superior limits of age, applicable to candidates who have before been in the public service, may probably be adopted.

Department and Branch or Class.	Limits of Age.		Department and Branch or Class.	Limits of Age.	
	Inferior Limit.	Superior Limit.		Inferior Limit.	Superior Limit.
ENGLAND AND WALES.			NATIONAL DEBT OFFICE - - -	16	25
ADMIRALTY :—			PAYMASTER-GENERAL'S OFFICE - -	16	25
Establishment Clerks - - -	17	25*	POOR LAW BOARD - - - - -	18	25
Temporary Clerks - - -	17	None.	POST OFFICE - - - - -	17	24
AUDIT OFFICE :—			PRISONS DEPARTMENT - - - -	18	40
Establishment Clerks - - -	18	25*	QUARTER-MASTER GENERAL'S OFFICE -	16	25
Temporary Clerks - - -	18	None.	STATIONERY OFFICE :—		
BOARD OF TRADE :—			Ordinary Clerks - - - -	17	25
Ordinary Clerks - - - -	18	25	Other Parties - - - - -	19	40
Supplementary Clerks - - -	17	30	TREASURY :—		
CIVIL SERVICE COMMISSION - -	18	25	Establishment Clerks - - - -	18	25
COLONIAL OFFICE - - - -	18	25	Supplementary Clerks - - - -	18	35
COLONIAL LAND AND EMIGRATION OFFICE :—			WAR DEPARTMENT† :—		
Permanent Clerks - - -	18	25	Permanent Clerks - - - -	18	25
Temporary Clerks - - -	17	45	Temporary Clerks - - - -	18	40
COMMITTEE OF COUNCIL ON EDUCATION -	18	25	WOODS (OFFICE OF) - - - -	17	25
CUSTOMS :—			SCOTLAND.		
Clerks - - - - -	16	30	BOARD OF FISHERIES :—		
Searchers, Landing-waiters, Coast Officers, Gaugers, Tidewaiters, and Weighers - - - - -	21	30	Clerks - - - - -	17	25
EXCHEQUER - - - - -	17	25	Fishery Officers - - - - -	21	30
FACTORY INSPECTORS' DEPARTMENT :—			QUEEN'S AND LORD TREASURER'S REMEMBRANCER'S OFFICE - - -		
Sub-inspectors of Factories -	25	40	18	28	
FOREIGN OFFICE :—			IRELAND.		
Downing Street - - - - -	20†	None.	CHIEF SECRETARY'S OFFICE - - -	18	25
Unpaid Attachés - - - - -	18	25	COMMANDER-IN-CHIEF'S DEPARTMENT :—		
Consuls - - - - -	25	50	Royal Hospital - - - - -	18	25
GENERAL REGISTER OFFICE - - -	17	25	DIRECTORS OF PRISONS (OFFICE OF) -	18	25
INDIA BOARD - - - - -	18	25	DUBLIN METROPOLITAN POLICE - - -	—	25
INLAND REVENUE DEPARTMENT :—			INSPECTORS OF LUNATIC ASYLUMS (OFFICE OF) - - - - -		
Clerks - - - - -	16	25	18	25	
Surveyors of Taxes - - - -	19	25	INSPECTORS OF PRISONS (OFFICE OF) -		
Lieutenants of Revenue Police -	20	25	18	25	
Expectants of Excise - - -	19	25	PAYMASTER OF CIVIL SERVICES (OFFICE OF) - - - -		
METROPOLITAN POLICE COURTS - -	19	25§	16	22	
METROPOLITAN POLICE OFFICE - -	17	25	POOR LAW COMMISSION - - - -	18	30
			REGISTRY OF DEEDS OFFICE - - -	17	25

* Except in the case of persons temporarily employed who may be nominated if under 30, provided they were under 25 when first temporarily employed.

† Not under 20, unless the candidate's family resides in town.

§ Unless the nominee shall be a certificated attorney of one of the Courts of Law at Westminster, or shall have acted for at least seven years next before his application for such office as clerk to the Justices of any Petty Session.

|| Including the offices mentioned at page 26.

|| The Junior Clerk in the Record Branch is not to be under 18.

TABLE B.—Different STANDARDS of QUALIFICATION established by the various DEPARTMENTS.

** In the Departments to which an asterisk is prefixed no Examination of Candidates has yet been held; and, with regard to some of them, the standard of qualifications (where given) cannot be regarded as precisely arranged.

Department, and Qualifications required.	Department, and Qualifications required.
ADMIRALTY. I. WHITEHALL BRANCH. 1. Writing English from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. Précis. 5. Geography. 6. The leading points in English History. 7. Translation from French. 8. Translation from Latin or a second modern language. II. SOMERSET HOUSE BRANCH. 1. Writing English from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Book-keeping by Double Entry. 4. English Composition. 5. Précis. 6. Geography. 7. Either— (a) Latin or a modern language; (b) The leading points of English or Modern History; or, (c) Algebra, Euclid, or any branch of Mathematics or Science. III. CLERKS IN DOCKYARDS, VICTUALLING YARDS, OR NAVAL ESTABLISHMENTS AT HOME, AND TEMPORARY CLERKS. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Book-keeping. AUDIT OFFICE. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Correspondence. 4. Précis. * CHARITABLE TRUSTS COMMISSION. Nothing fixed. CHELSEA HOSPITAL. 1. Writing. 2. Copying from MSS. CIVIL SERVICE COMMISSION. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions, Interest and Annuities, Square Root, and the use of Logarithms.) 3. Book-keeping. 4. English Composition. 5. Geography. 6. History of England. 7. Latin. 8. French. COAL WHIPPERS OFFICE.—Nothing fixed. * COLONIAL OFFICE. I. FOR CLERKSHIPS IN DOWNING STREET. PRELIMINARY EXAMINATION. 1. Exercises designed to test Hand-writing and Orthography. 2. Arithmetic, (including Vulgar and Decimal Fractions). 3. Geography.	COLONIAL OFFICE—continued. 4. Translation from one of the following Languages, at the option of the Candidate—Greek, Latin, French, German, Spanish, Italian. 5. Précis or Abstract of Official Papers. FINAL EXAMINATION. <i>Any number not exceeding three of the following subjects, at the option of the Candidate.</i> 1. Languages and Literature of Greece and Rome. 2. Languages and Literature of France, Germany, and Italy. 3. Modern History, including that of the British Colonies; with Exercises in English Composition, designed to test purity and elegance of style. 4. Elements of Constitutional and International Law; with Elements of Political Economy. 5. Pure and mixed Mathematics, not including the highest branches; with Accounts and Book-keeping. II. FOR WRITERSHIPS IN CEYLON. PRELIMINARY EXAMINATION : 1. Exercises designed to test Hand-writing and Orthography. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Geography, particularly that of British India and its Dependencies. 4. Translation from one of the following Languages,—Greek, Latin, French, German, Spanish, and Italian—the selection being left to the Candidate. 5. The preparation of a Précis or Abstract of Official Papers. FINAL EXAMINATION : 1. Languages and Literature of Greece and Rome. 2. Modern History, including that of the British Colonies and Possessions.—Exercises designed to test purity and elegance of style. 3. Elements of Constitutional and International Law.—Elements of Political Economy. 4. Pure and mixed Mathematics, not including the highest branches.—Mercantile Finance. 5. Geology, Chemistry, and Civil Engineering. <i>Of the five classes of subjects thus defined, Candidates are at liberty to select any number, not exceeding three, in which they desire to be examined.</i> COLONIAL LAND AND EMIGRATION OFFICE. * I. PERMANENT CLERKS. 1. Writing. 2. Arithmetic (a fair knowledge). 3. Précis. II. TEMPORARY CLERKS. 1. Exercises designed to test Hand-writing and Orthography. 2. Elementary Arithmetic. 3. Exercises of a simple character in English Composition, designed to test ability to write an ordinary business letter.

TABLE B.—*continued.*

Department, and Qualifications required.	Department, and Qualifications required.
* COMMONS (HOUSE OF).—Nothing fixed. * COPYHOLD, INCLOSURE, AND TITHE COMMISSION.—Nothing fixed. COMMITTEE OF COUNCIL FOR EDUCATION. 1. Writing from Dictation. 2. Arithmetic. 3. Book-keeping. 4. Précis. 5. Making fair copies from rough notes. 6. Calculation of per-centages. CUSTOMS. I. CLERKS IN THE SOLICITOR'S OFFICE ; SEARCHERS ; AND LANDING-WAITERS. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. II. OTHER CLERKS ; EXTRA CLERKS ; COAST OFFICERS ; GAUGERS. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). III. TIDEWAITERS AND WEIGHERS. 1. Writing. 2. Orthography. 3. Arithmetic (first four Rules, and the different Weights and Measures). * DESIGNS (REGISTRY OF). (The same as for "Supplementary Clerks" in the Board of Trade). * DUCHY OF LANCASTER.—Nothing fixed. * ECCLESIASTICAL COMMISSION. Nothing fixed. * EXCHEQUER. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions and Practice). 3. Précis. 4. Book-keeping. 5. Correspondence. FACTORY INSPECTORS' DEPARTMENT. SUB-INSPECTORS OF FACTORIES. 1. Exercises designed to test Hand-writing and Orthography. 2. Arithmetic (to Vulgar and Decimal Fractions). 3. Latin or one modern Foreign Language. 4. English History. 5. Geography. 6. Précis. 7. Elements of Political Economy. 8. English Composition. FOREIGN OFFICE. * I. SECRETARY OF STATE'S OFFICE. 1. Writing from Dictation. 2. Précis. 3. French.	FOREIGN OFFICE—continued. II. UNPAID ATTACHÉS. 1. Writing from Dictation. 2. Précis. 3. Geography. 4. Modern History. 5. French (Writing from Dictation, speaking, and Translation). 6. Translation from either German, Latin, Spanish, or Italian, at the option of the Candidate. * III. PAID ATTACHÉS. 1. A speaking and a writing knowledge of the Languages of the countries in which they have resided since their first appointment to the Service. 2. International Law. 3. Reports upon the constitution and condition of the countries in which they have resided. * IV. CONSULAR SERVICE. 1. Arithmetic. 2. English Composition. 3. French (written and spoken). 4. The Language of the port at which they may be appointed to reside. 5. British Mercantile and Commercial Law. * FRIENDLY SOCIETIES REGISTRY. Nothing yet fixed. GENERAL REGISTER OFFICE. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. Correspondence. 5. Précis. 6. Geography. 7. English History. * GREENWICH HOSPITAL.—Nothing yet fixed. * HEALTH, BOARD OF.—Nothing yet fixed. * HOME OFFICE.—Nothing yet fixed. INDIA BOARD. 1. Writing. 2. Orthography. 3. Arithmetic. 4. English Composition. 5. Précis. 6. Geography. INLAND REVENUE. I. OFFICES OF RECEIPT AND ACCOUNT ; AND SURVEYORS OF TAXES. 1. Reading. 2. Writing from Dictation. 3. Arithmetic (including Vulgar and Decimal Fractions). 4. Book-keeping by Double Entry. 5. Correspondence. 6. Geography. 7. History of the British Empire.

TABLE B.—*continued.*

Department, and Qualifications required.	Department, and Qualifications required.
INLAND REVENUE—<i>continued.</i>	* METROPOLITAN POLICE OFFICE.
II. OFFICES NOT OF RECEIPT AND ACCOUNT. (<i>a</i>)	1. Writing from Dictation.
1. Writing from Dictation.	2. Arithmetic (including Vulgar and Decimal Fractions).
2. Arithmetic (including Vulgar and Decimal Fractions).	3. Book-keeping.
3. Correspondence.	4. English Composition.
4. Geography.	5. English Geography.
5. History.	6. History of the British Empire.
6. Latin [in the Solicitor's office only].	7. French.
III. LIEUTENANTS OF REVENUE POLICE.	* MINT.—Nothing yet fixed.
1. Writing from Dictation.	NATIONAL DEBT OFFICE.
2. Arithmetic (including Vulgar and Decimal Fractions).	1. Hand-writing.
IV. EXPECTANTS OF EXCISE.	2. Correct copying from MSS.
1. Writing from Dictation.	3. Arithmetic (including Vulgar Fractions).
2. Arithmetic (including Vulgar and Decimal Fractions).	4. Geography.
3. Book-keeping by Double Entry.	5. History.
* JOINT STOCK COMPANIES REGISTRY.	* PATENTS OFFICE.—Nothing yet fixed.
(The same as for "Supplementary Clerks" in the Board of Trade.)	* PAYMASTER GENERAL'S OFFICE. (<i>b</i>)
* JUDGE ADVOCATE GENERAL'S OFFICE.	1. Writing from Dictation.
1. Writing from Dictation.	2. Arithmetic (including Vulgar and Decimal Fractions, purchase of Stock and Exchange).
2. Accuracy in copying.	3. Book-keeping.
* LAND REVENUE RECORD OFFICE.	4. Précis.
Nothing yet fixed.	POOR LAW BOARD.
* LORDS, HOUSE OF.—Nothing yet fixed.	* I. SUPERIOR CLERKS. (<i>c</i>)
* LUNACY COMMISSION.—Nothing yet fixed.	1. Arithmetic (to Vulgar and Decimal Fractions).
* METROPOLIS ROADS COMMISSION.	2. English Composition.
Nothing yet fixed.	II. SUPPLEMENTARY CLERKS.
* METROPOLITAN BUILDINGS OFFICE.	1. Hand-writing.
Nothing yet fixed.	2. Accuracy in copying.
METROPOLITAN POLICE COURTS.	3. Arithmetic (elementary).
1. Reading.	4. English Composition (ordinary principles).
2. Writing from Dictation.	POST OFFICE.
3. Arithmetic (including Vulgar Fractions).	I. SECRETARY'S OFFICE. (<i>d</i>)
4. English Composition.	1. Writing from Dictation.
5. Modern Geography.	2. Arithmetic (including Vulgar Fractions).
6. English History.	3. English Composition.
7. Criminal Law (if the Candidate be a Certificated Attorney, or Justices' Clerk at Petty Sessions).	4. Précis.
	5. French or German.
	II. OTHER OFFICES.
	1. Writing from Dictation.
	2. Arithmetic (including Reduction, Rule of Three, and Practice).

(*a*) "The examination, as regards history, geography, correspondence, and the other heads, would extend much further than is thought necessary in the case of clerks in offices of account and receipt, and would be such as to ascertain whether or not the person had received such an education as would qualify him, after experience in the various business of the office, to be employed in duties of a superior description. In the office of the solicitor some legal attainments are required; but the proficiency of the party in that respect would not be tested on his admission, but during the probation of three months."

(*b*) "It is suggested to the Civil Service Commissioners, whether it might not be desirable to carry the examination of Candidates a little beyond what it is at present, for the purpose of testing their general intelligence and acquirements." One of the suggestions is to require "a reasonable proficiency in one dead or modern language."—(E. A. Hoffay, Esq., to the Civil Service Commissioners.)

(*c*) "Candidates for clerkships of the superior class should be examined with a view to ascertain that they have received a liberal education and are personally intelligent. We do not desire to lay down any minute rules as to the manner of this examination, which may, to a certain extent, be made to depend upon the nature of the candidate's previous studies."—(Viscount Courtenay to the Civil Service Commissioners.)

(*d*) "There is a class of supplementary clerks in the Secretary's office whose duties are chiefly of a mechanical nature. The character of their examination may therefore be limited to penmanship, orthography, and the first rules of arithmetic."—(Mr. Tilley to Mr. Spedding, 3 July 1855).

TABLE B.—*continued.*

Department, and Qualifications required.	Department, and Qualifications required.
PRISONS DEPARTMENT. 1. Writing from Dictation. 2. Arithmetic (including the Rule of Three and Practice) with an accurate knowledge of the Arithmetical Tables. * PRIVY COUNCIL OFFICE. INFERIOR CLERKS. 1. Writing. 2. Arithmetic. 3. English Composition. 4. French (such a knowledge as would enable the Clerks to copy and examine Documents in that language with accuracy). * PRIVY SEAL OFFICE.—Nothing yet fixed. * PUBLIC WORKS LOAN OFFICE. Nothing yet fixed. * QUEEN'S REMEMBRANCER'S OFFICE. Nothing yet fixed. * RECORD OFFICE.—Nothing yet fixed. STATIONERY OFFICE. 1. Writing from Dictation. 2. Arithmetic (including Vulgar Fractions). 3. English Composition. * SEAMEN'S REGISTRY OFFICE. (The same as for "Supplementary Clerks" in the Board of Trade.) TRADE, BOARD OF. * I. ORDINARY CLERKS. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Précis. 4. Geography. 5. Translation from one Ancient or Modern Foreign Language. (a) II. SUPPLEMENTARY CLERKS. 1. Writing from Dictation. 2. Transcribing correctly and expeditiously. 3. Arithmetic (the first four rules, with Practice and the Rule of Three.) 4. Grammatical structure of sentences of a simple character. (a) TREASURY. I. ESTABLISHMENT CLERKS. 1. Exercises designed to test Hand-writing and Orthography. Good Hand-writing to consist in the clear formation of the letters of the alphabet. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. First Three Books of Euclid. 4. History of England. 5. Geography.	TREASURY—continued. 6. Translation from one of the following Languages,—Latin, French, German, or Italian,—the selection being left to the Candidate. 7. The preparation of a Précis or Abstract of Official Papers. II. SUPPLEMENTARY CLERKS. 1. Writing from Dictation. 2. English Composition. 3. Arithmetic (including Vulgar and Decimal Fractions). 4. Book-keeping. WAR DEPARTMENT. I. PERMANENT CLERKS. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. Précis. 5. Geography. 6. History (general outlines). 7. Latin, or one Foreign Language. II. PERMANENT CLERKS AT OUT-STATIONS. (b) 1. Writing from Dictation. 2. Arithmetic (to Vulgar and Decimal Fractions). 3. Correspondence. 4. Geography (outlines). 5. History. III. TEMPORARY CLERKS. 1. Writing from Dictation. 2. Arithmetic (elementary). 3. Correspondence. COMMANDER-IN-CHIEF'S OFFICE. Nothing yet fixed. QUARTERMASTER-GENERAL'S OFFICE. 1. Writing from Dictation. 2. Arithmetic (first four rules). * RECRUITING DEPARTMENT. Nothing yet fixed. * ADJUTANT GENERAL'S OFFICE. Nothing yet fixed. WOODS, OFFICE OF. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Book-keeping (general principles). 4. English Composition. 5. Précis. 6. Geography. 7. English History (leading points). 8. French (some knowledge). 9. Latin (translation). WORKS, OFFICE OF. 1. Writing from Dictation. 2. Arithmetic (including Interest and Practice). 3. Correspondence.

(a) "My Lords would also be glad to receive a Report of the Candidate's proficiency in any other subject or subjects, to be selected by him, in which he may desire to be examined."—(James Booth, Esq., to the Civil Service Commissioners.)

(b) The examination for retired Non-commissioned Officers of the Royal Artillery and Royal Sappers and Miners, nominated to Clerkships in the Royal Arsenal, Woolwich, is as follows:—1. Hand-writing; 2. Writing from Dictation; 3. Correspondence; 4. Arithmetic, including Vulgar and Decimal Fractions; 5. Properties of the Principal Articles used in the Royal Arsenal, such as wood and iron.

TABLE B.—*continued.*

Department, and Qualifications required.	Department, and Qualifications required.
DEPARTMENTS IN SCOTLAND. BOARD OF FISHERIES. 1. Writing from Dictation. 2. Arithmetic (first four rules and Rule of Three). 3. Correspondence. 4. Book-keeping by Single Entry. — * BOARD OF SUPERVISION. 1. English Composition. 2. Arithmetic. — * DIRECTORS OF PRISONS, (OFFICE OF). Nothing yet fixed. — * NORTHERN LIGHTHOUSES (COMMISSIONERS OF). Nothing yet fixed. — QUEEN'S AND LORD TREASURER'S REMEMBRANCER'S OFFICE. 1. Exercises designed to test Hand-writing and Orthography. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English History. 4. Geography. 5. Latin, or one modern Foreign Language. 6. English Composition. — * SASINE OFFICE. Nothing yet fixed. — DEPARTMENTS IN IRELAND. * CHARITABLE BEQUESTS COMMISSION. Nothing yet fixed. — CHIEF SECRETARY'S OFFICE. 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. Correspondence. 5. Précis. 6. Geography. 7. History. — CONSTABULARY OFFICE. 1. Writing from Dictation. 2. Arithmetic. 3. English Composition. 4. Geography of Ireland. — DIRECTORS OF PRISONS (OFFICE OF). 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Correspondence. 4. Précis.	* DUBLIN METROPOLITAN POLICE. 1. Reading. 2. Writing from Dictation. 3. Arithmetic. 4. Geography of the British Isles. — * EDUCATION OFFICE. Nothing yet fixed. — * GENERAL REGISTER OFFICE. Nothing yet fixed. — INSPECTORS OF LUNATIC ASYLUMS (OFFICE OF). 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Correspondence. 4. Précis. — INSPECTORS OF PRISONS (OFFICE OF). 1. Writing from Dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Correspondence. 4. Précis. — * PAYMASTER OF CIVIL SERVICES (OFFICE OF). I. CLERKS IN PAY OFFICE. 1. Writing from Dictation. 2. Arithmetic. 3. Book-keeping. II. CLERKS IN RECORD OFFICE. 1. Writing from Dictation. 2. Arithmetic. 3. Book-keeping. 4. Surveying. 5. Irish and English History. 6. Latin. 7. French. — * POOR LAW COMMISSION. EXTRA CLERKS. 1. Writing from Dictation. 2. Copying. 3. Arithmetic (including Vulgar Fractions and Decimals). 4. English Composition. 5. Correspondence. 6. Précis. 7. Geography of the British Islands. — * PUBLIC WORKS OFFICE. Nothing yet fixed. — REGISTRY OF DEEDS OFFICE. 1. Writing from Dictation. 2. Arithmetic (elementary). 3. English Composition.

TABLE C.—COMPARATIVE VIEW of the various STANDARDS.

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRECIS OF
ADMIR- ALTY.	WHITEHALL BRANCH.		Writing English from dictation.		English composi- tion.	Making a digest of or cidence.
	SOMERSET HOUSE BRANCH.		Writing English from dictation.		English composi- tion.	Making a digest of or cidence.
	CLERKS IN DOCKYARDS, VICTUALLING YARDS, AND NAVAL ESTA- BLISHMENTS AT HOME,* TEMPORARY CLERKS.	Writing legibly, cor- rectly, and quick- ly.	Writing correctly.	Writing English from dictation legi- bly, correctly, and quickly.		
AUDIT OFFICE.	Handwriting is tested.	Orthography is tested.	The candidate is required to write from dictation, to test his handwriting, orthography, and general intelli- gence.	To prepare an an- swer to some offi- cial letter.		To make abstract of official papers.
BOARD OF TRADE.	ORDINARY CLERKS.	Good handwriting.	Transcribing and writing correctly.	Transcribing and writing from dic- tation correctly and expeditiously.		Making a digest of or other
	SUPPLEMEN- TARY CLERKS.	Good handwriting.	Transcribing and writing correctly.	Transcribing and writing from dic- tation correctly and expeditiously.	Grammatical struc- ture of sentences of a simple char- acter.	
COLONIAL LAND AND EMIGRA- TION OFFICE.	PERMANENT CLERKS.	To write a good hand.			To be able to ex- press in correct and intelligible English the gist of any more or less complicated statement which might be placed before him for analysis.	To be able to abstract the any more or long and com- plicated state- ments which placed before for analysis.
	TEMPORARY CLERKS.	Exercises designed to test hand- writing.	Exercises designed to orthography.		Exercises of a sim- ple character in English composi- tion, designed to test ability to write an ordinary business letter.	

* The examination for retired Non-commissioned Officers of the Royal Artillery and Royal Sappers and Miners, nominated to Clerkships in the Royal Arsenal, of the principal articles used in the Royal Arsenal, such as wood and iron.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
Arithmetic; including vulgar and decimal fractions.		Geography.	The leading points in English history.	Translation from French. Translation from Latin or from a second modern language.	
Arithmetic; including vulgar and decimal fractions.	A knowledge of the principle of book-keeping by double entry.	Geography.	(See last column.)	(See next column.)	"And the candidate must satisfy the Civil Service Commissioners that he has received a liberal education, by showing some proficiency in a subject comprised under one at least of the following heads : (1.) Latin or a modern language: (2.) The leading points of English or modern history: (3.) Algebra, Euclid, or any branch of mathematics or science."
Arithmetic; including vulgar and decimal fractions.	Book-keeping.				
The common rules of arithmetic, the rule of three, practice, interest, vulgar and decimal fractions.					
Arithmetic as far as vulgar and decimal fractions.		Geography.		Translation from one ancient or modern foreign language.	" My Lords would also be glad to receive a report of the Candidate's proficiency in any other subject or subjects, to be selected by him, in which he may desire to be examined."
Arithmetic; the first four rules, with practice and the rule of three.					Ditto.
To possess a fair knowledge of arithmetic.					"In particular cases, where peculiar qualifications (as those of an accountant) might be required, the Commissioners presume that a special direction might be given to the examination."
Elementary arithmetic.					

TABLE C.—continued.

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRÉCIS OF PAPERS.
COLONIAL OFFICE.*	PRELIMINARY EXAMINATION.	Exercises designed to test hand-writing.	Exercises designed to test orthography.	Exercises designed to test hand-writing and orthography.		The preparation of a précis or abstract of official papers.
	FINAL EXAMINATION.					
COMMITTEE OF COUNCIL ON EDUCATION.	The handwriting must be rapid, neat, and of that even stroke which allows legible copies to be taken by pressing.	Good grammatical English.			He must be able to make abstracts in good grammatical English.	He must be able to make abstracts in good grammatical English.
CUSTOMS.	CLERKS IN SOLICITOR'S OFFICE. SEARCHERS. LANDING-WAITERS.	Must be able to write a good, clear hand.	Must be able to write fluently from dictation, without errors of orthography.	Must be able to write fluently from dictation, without errors of orthography.	Must be able to express himself grammatically, & possess sufficient natural talent to enable him to convey his ideas, both verbally and on paper, with clearness and precision.	
	OTHER CLERKS. EXTRA CLERKS. COAST OFFICERS. GAUGERS.	Ditto.	Ditto.	Ditto.		
	TIDEWAITERS AND WEIGHERS.	Should be able to write plainly.	Should be able to spell tolerably well.			
EXCHEQUER.	Accurate, and rapid penmanship.	Accurate penmanship.	Accurate, and rapid penmanship, as evinced in writing from dictation.	The power of writing an intelligible letter from a minute of instructions, or in reply to a letter placed in the probationer's hands.		The power to make a correct abstract of an official document, such as an ordinary Treasury minute.
FACTORY INSPECTORS' DEPARTMENT. (SUB-INSPECTORS.)	Exercises designed to test hand-writing.	Exercises designed to test orthography.	Exercises designed to test hand-writing and orthography.		English composition.	The preparation of a précis or abstract of official papers.

* For the qualifications for CEYLON WRITERSHIPS, see *Post*, p. 20.

TABLE C.—*continued.*

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
Arithmetic, including vulgar and decimal fractions.		Geography.		Translation from one of the following languages, Greek, Latin, French, German, Spanish, and Italian; the selection being left to the candidate.	
					Any number not exceeding three of the following five classes of subjects; the selection being made by the candidate:— 1. Languages and literature of Greece and Rome. 2. Languages and literature of France, Germany, and Italy. 3. Modern history, including that of the British Colonies; with exercises in English composition designed to test purity and elegance of style. 4. Elements of constitutional and international law; with elements of political economy. 5. Pure and mixed mathematics (not including the highest branches); with accounts and book-keeping.
He must be an expert arithmetician; able to digest returns (under guidance) into summaries, and to calculate per-centages.	The clerk must understand the principles and practice of book-keeping.				To make fair copies from rough notes. "Beyond these (bare mechanical) details the essential qualities are steady application, love of order, and a clear methodical head."
Must be fully acquainted with the principal rules of arithmetic, and the first four rules of decimal and vulgar fractions.					To speak with distinctness and tolerable fluency, and be able to convey his ideas, both verbally and on paper, with clearness and precision. "These officers have frequently to represent the department in their dealings with the public, and it is desirable that they should have such an amount of general knowledge as may qualify them for transacting business with the well educated classes of the community on equal terms."
Ditto.					
Should understand the first four rules of arithmetic, and the different weights and measures.					
A familiar knowledge of arithmetic, not only in its simpler and more elementary rules, but including vulgar and decimal fractions and practice.	An acquaintance with the principles of book-keeping.				
Vulgar and decimal fractions.		Geography.	English History.	Latin, or one modern foreign language.	The elements of political economy.

TABLE C.—*continued.*

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRECIS OF PAPERS.
FOREIGN OFFICE.	DOWNING STREET.	To write a good bold hand, quickly and correctly.	To write correctly.	To write quickly and correctly either English or French from dictation.		To make a correct and clear précis or abstract of any set of papers placed in his hands.
	UNPAID, ATTACHES.	To write a good bold hand, with distinctly formed letters.	To write English and French correctly.	To write English and French quickly and correctly from dictation.		To make a clear and correct précis or abstract, in the form of a narrative, of any collection of papers placed in their hands.
	PAID ATTACHES.					
	CONSULAR SERVICE.				Must have a correct knowledge of the English language, so as to be able to express themselves clearly and correctly in writing.	
GENERAL REGISTER OFFICE.	A good hand is indispensable.	Correct spelling is indispensable.	To write from dictation.	To write a letter upon given instructions.	A knowledge of correct English grammar is indispensable.	To make a digest or précis of papers or correspondence.

TABLE C.—continued.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
				To write quickly and correctly French from dictation; to understand French well; and to be able to make an accurate and good translation of any French paper.	The physical qualities of the candidate must be adequate to the long attendance and late hours. A high sense of honour is an all-important requirement.
		To have a general knowledge of Geography.	To have a general knowledge of modern history since 1789, and especially of the history of the country to which they are about to proceed, as regards its internal constitution and its relations to other powers. (a.)	To understand French well, to make an accurate and good translation of any French paper into English, and of any English paper into French, and to speak French with tolerable ease and correctness. To make an accurate and good translation into English of a paper written either in German, Latin, Spanish, or Italian, (at the option of the candidate.)	(a) "With respect to this last head of examination (History), Lord Clarendon conceives that some text-book should be settled beforehand, out of which Candidates should be examined: his Lordship would be obliged to the Commissioners if they would suggest any such book in order that it may be specified on promulgating the regulations." [Text-books agreed upon:—So much of " <i>Heeren's Historical Manual of the Political System of Europe and its Colonies</i> ," as treats of history from the year 1789; the fourth volume of " <i>Russell's Modern Europe</i> " (last edition); and so much of " <i>M'Culloch's Geographical Dictionary</i> " as relates to the country to which the candidate is about to proceed].
				(See last column.)	"In this second examination, the Candidates would be required to satisfy the Commissioners that they have a speaking and a writing knowledge of the languages of the several countries in which they have resided since their first appointment in the service; but, in conducting these examinations will be right, in regard to languages, to bear in mind the length of time during which Candidates may have resided in the several countries, and also the comparative difficulty of acquiring the languages of such countries. Lord Clarendon would not except Russian, Turkish, Persian, and Modern Greek, from the list of languages to which a Candidate, who may have resided in the countries where they are spoken, should be expected to have turned his attention, though he considers that much forbearance would be required in dealing with languages which (especially the first three) are so hard to be acquired. Moreover, Lord Clarendon is of opinion, that if a Candidate, who may be examined on promotion, should have resided only in France, or in the United States, he should be required to satisfy the Examiners of his proficiency in one other language besides French. To draw up a report on the general commercial and political relations of the several countries in which they may have resided, on their internal polity, their administrative and social institutions, and the character of the people. These reports, however, must not refer to current political affairs. A moderate acquaintance with international law. [Text-books: " <i>Wheaton's Elements of International Law</i> ," and " <i>Wheaton's History of International Law</i> ,"]
A sufficient knowledge of Arithmetic for the nature of the duties which Consuls are required to perform in drawing up commercial tables and reports. [Text-book, " <i>Colenso's Arithmetic</i> ,"]				Must write and speak French correctly and fluently; and have an adequate knowledge of the current language of the port at which they are appointed to reside to enable them to communicate directly with the authorities and natives of the place.	"A sufficient knowledge of British mercantile and commercial law, to enable them to deal with questions arising between British shipowners, shipmasters, and seamen." [Text-book, " <i>Smith's Compendium of Mercantile Law</i> ,"]
Arithmetic, including vulgar and decimal fractions.		Knowledge of geography should be tested.	Knowledge of English history should be tested.		"In this office general intelligence and perfect trustworthiness, rather than special attainments, are the qualifications most needed."

TABLE C.—*continued.*

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRÉCIS OF PAPERS.
INDIA BOARD.	Caligraphy should be tested.	Orthography should be tested.			A competency in composition might be advantageous.	A sufficient capacity for analysing and condensing into a small compass a subject the matter of which is spread through many documents, might be advantageous.
INLAND REVENUE.	CLERKS IN OFFICES OF RECEIPT AND ACCOUNT; AND SURVEYORS OF TAXES.	Proficiency in writing.	Writing from dictation.	Correspondence.		
	CLERKS IN OFFICES NOT OF RECEIPT AND ACCOUNT.	Ditto, but much further.	Ditto, but much further.	Ditto, but much further.		
	LIEUTENANTS OF REVENUE POLICE.	Must write fluently and correctly.	Must write correctly.			
	EXPECTANTS OF EXCISE.	Must write well. Must write fluently. Must write a good hand.	Must write correctly.	Must write fluently and correctly from dictation.		
JUDGE ADVOCATE GENERAL'S OFFICE.	Must write a good hand.					
METROPOLITAN POLICE COURTS.	Must write quickly a clear, legible hand.	Must spell accurately, with some knowledge of punctuation.			Must have a knowledge of English grammar.	
METROPOLITAN POLICE OFFICE.	To write well and expeditiously.	To write correctly from dictation in spelling and punctuation.	To write correctly from dictation in spelling and punctuation.		To be well informed in English grammar.	

TABLE C.—continued.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
A competency in arithmetic might be advantageous.		A knowledge of geography might be advantageous.			
Arithmetic, up to and including vulgar and decimal fractions.	Book-keeping by double entry.	Geography.	History of the British Empire.		Reading.
Ditto, but much farther.		Ditto, but much farther.	Ditto, but much farther.	Latin (in the Solicitor's office only).	"The examination, as regards history, geography, correspondence, and the other heads, would extend much further than is thought necessary in the cases of clerks in offices of account or receipt, and would be such as to ascertain whether or not the person had received such an education as would qualify him, after experience in the various business of the office, to be employed in duties of a superior description. In the office of the Solicitor some legal attainments are required; but the proficiency of the party in that respect would not be tested on his admission, but during the probation of three months."
Must be acquainted with the first four rules of vulgar and decimal arithmetic.					At the time of entering the service must be unmarried and without family.
Arithmetic, including vulgar and decimal fractions.	Book-keeping by double entry.				He must at the period of his entering the service be unmarried and without family.
					"Must appear to have such an amount of capacity as will enable him in course of time to discharge higher duties in the office." Must be an accurate copying clerk.
Must be acquainted with such parts of arithmetic as addition, subtraction, multiplication, division, reduction, the single rule of three, practice, simple interest, and vulgar fractions.		Must have a knowledge of modern geography.	Must have a knowledge of English history.	Latin, German, French, Italian, or Spanish, <i>if the candidates require it</i> ; but a knowledge of any of these is not to be considered as indispensably necessary.	Must read well. A candidate who shall be a certificated attorney or justices' clerk at petty sessions shall, over and above the said qualifications, possess a tolerably sound knowledge of criminal law. "A candidate for a senior or chief clerkship, being a person within the provisions of 2 & 3 Vict. c. 71, s. 5. (unless he has served as junior clerk in a police court for at least seven years) shall be deemed within each of the foregoing regulations except that relating to age."
To understand arithmetic to the extent of practice, vulgar fractions, and decimals.	To understand the elements of book-keeping.	To be well informed in English geography.	To be well informed in the history of the British empire.	A competent knowledge of the French language is desirable.	Before the junior clerks reach the post of chief clerk "they should further acquire some knowledge of the principles and practice of criminal law; otherwise this appointment would be better filled by the selection of a person who has qualified as a solicitor."

TABLE C.—*continued.*

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRECIS OF PAPERS.
NATIONAL DEBT OFFICE.	To write with ease and facility a clear legible hand, and copy in a fair manner from MS. or print and MS. accounts selected and set before him for the purpose.	To copy in a correct manner from MS. or print, or MS. accounts selected for the purpose.				
PAYMASTER GENERAL'S OFFICE.	Handwriting.	Orthography.	Writing from dictation.			Making a precis or abstract of some official papers.
POOR LAW BOARD.	SUPERIOR CLERKS.				A general familiarity with the rules of English composition must be treated as essential.	
	SUPPLEMENTARY CLERKS.	Handwriting.			Familiarity with the ordinary principles of English composition.	
POST OFFICE.	CLERKS IN THE SECRETARY'S OFFICE.*	Penmanship.	Orthography.		Accuracy and propriety of expression in English composition.	An aptitude for making a clear and correct analysis of the details of some narrative or transaction of business.
	CLERKS IN OTHER OFFICES.	Penmanship.	Orthography.			
PRISONS DEPARTMENT.	Writing a clear, legible hand with facility and despatch.	Writing from dictation, with correct orthography.	Writing from dictation, with correct orthography.			
PRIVY COUNCIL OFFICE. (INFERIOR CLERKS.)	Practical education in writing.				English composition.	
QUARTERMASTER GENERAL'S OFFICE.	The handwriting must be neat, perfectly legible, and performed with facility.		The candidate must possess the power of writing English freely and correctly from dictation.			

* "There is a class of supplementary clerks in the Secretary's office whose duties are chiefly of a mechanical nature. The character of their examination

TABLE C.—*continued.*

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
To be a complete master of arithmetic up to and including vulgar fractions.		A fair knowledge of geography. (See last column.)	A fair knowledge of history. (See last column.)		"It is not really important that he (the candidate) should be deeply read in history and geography; although no doubt such knowledge is very valuable, as a test of general education."
Practice; rule of three direct, inverse, and double; vulgar and decimal fractions; interest; purchase of stock; and exchange. (See last column.)	Knowledge of book-keeping.			A reasonable proficiency in one dead or modern language. (Suggested.)	It is suggested to the Civil Service Commissioners whether it might not be desirable to carry the examination of candidates a little beyond what it is at present, for the purpose of testing their general intelligence and acquirements. The object of the questions put in arithmetic is not so much to ascertain the candidate's proficiency in the particular rules laid down as to test his general knowledge of numbers. Facility of making long additions is indispensable in the Pay Office.
A knowledge of arithmetic as far as vulgar and decimal fractions must be treated as essential.					"Some acquaintance with the general principles of law would be an undoubted recommendation to those who look to rising in this branch of the public service." "Candidates for clerkships of the superior class should be examined with a view to ascertain that they have received a liberal education, and are personally intelligent. We do not desire to lay down any minute rules as to the nature of the examination, which may, to a certain extent, be made to depend upon the nature of the candidate's previous studies."
An acquaintance with the first rules of arithmetic.					General intelligence in deciphering what is given to copy.
A sound knowledge of arithmetic generally; i.e. addition, subtraction, multiplication, division, reduction, rule of three, practice, and vulgar fractions.				French or German.	
Ditto, except fractions.					
First four rules of arithmetic, both simple and compound, rule of three, and practice, with an accurate knowledge of the arithmetical tables.					
Arithmetic.				Such a knowledge of French is desirable as would enable the clerks to copy and examine documents in that language with accuracy.	"In general the attainments which might be required of a clerk in an attorney's office." "Should the candidates possess any other qualifications, they should be permitted to be examined in them at their own request; but in general the best qualified to fill these situations are found to be those, who without pretending to any great variety of attainments are thoroughly well grounded in elementary knowledge."
A knowledge of the first four rules of arithmetic.					

may therefore be limited to penmanship, orthography, and the first rules of arithmetic." (Mr. Tilley to Mr. Spedding, 3 July 1855.)

TABLE C.—*continued.*

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRÉCIS OF PAPERS.
STATIONERY OFFICE.	To write a reasonably good and quick hand.	To be able to compose in pretty correct English.			To be acquainted with the common rules of English grammar; and to be able to write in pretty correct English; and to detect the more obvious grammatical blunders.	
TREASURY.	ESTABLISHED CLERKS.	Exercises designed to test handwriting and orthography. Good handwriting to consist in the clear formation of the letters of the alphabet.	Exercises designed to test handwriting and orthography.	Exercises designed to test handwriting and orthography.		The preparation of a précis or abstract of official papers.
	SUPPLEMENTARY CLERKS.	Quick and legible handwriting.			Correct English composition.	
WAR DEPARTMENT.	PERMANENT CLERKS.	The handwriting should be certified to be clear and legible.	Writing from dictation.		English composition.	A précis of official papers.
	CLERKS AT OUT-STATIONS.*	Writing from dictation.	Writing from dictation.	Correspondence.		
	TEMPORARY CLERKS.	Good clear handwriting.		A capability of writing a good business letter.		

* Except non-commissioned officers of the Royal Artillery and Royal Sappers and Miners

TABLE C.—continued.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
To be a good accountant; i.e. to be well acquainted with the fundamental rules of arithmetic, and especially to be quick and accurate in addition; to be familiar with the doctrine of proportion, and the mode of solving questions called practice; and to be expert in the management of vulgar fractions.					"If, in addition, they (candidates) are acquainted with decimal fractions and book-keeping, it will be so much the better; but the latter qualifications are not, like the former, indispensable."
Arithmetic including vulgar and decimal fractions.		Geography.	History of England.	Translation from from one of the following languages, — Latin, French, German, or Italian,—the selection being left to the Candidate.	The first three books of Euclid.
A familiar acquaintance with arithmetic.	A familiar acquaintance with accounts.				
Arithmetic up to vulgar and decimal fractions.		Geography.	General outlines of history.	Latin, or one foreign language (French or German for instance).	"Candidates should have the option of being examined upon any special branch of knowledge, which they should be allowed to name."
Arithmetic, including vulgar and decimal fractions.		Outlines of geography.	History.		
A knowledge of the ordinary rules of arithmetic, combined with some quickness at figures.					

TABLE C.—continued.

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION.	LETTER-WRITING.	COMPOSITION.	PRECIS OF PAPERS.
WOODS (OFFICE OF).	Proficiency in writing legibly, correctly, and quickly is essential.	Proficiency in writing correctly is essential.	Proficiency in writing English from dictation legibly, correctly, and quickly is essential.		English composition.	A facility in making a précis or digest of papers.
WORKS (OFFICE OF).	Legible handwriting.			Ability to compose a letter with correctness.		
WRITER-SHIPS IN CEYLON.	PRELIMINARY EXAMINATION.	Exercises designed to test handwriting.	Exercises designed to test orthography.	Exercises designed to test handwriting and orthography.		The preparation of a précis or abstract of official papers.
	FINAL EXAMINATION.					

SCOT

BOARD OF FISHERIES (SCOTLAND).	Competency in writing. To show sufficient competency in writing.					
BOARD OF SUPERVISION (SCOTLAND).		A competent knowledge of English.			A competent knowledge of English.	
QUEEN'S AND LORD TREASURER'S REMEMBRANCER'S OFFICE (SCOTLAND).	Exercises designed to test handwriting.	Exercises designed to test orthography.			English composition.	

TABLE C.—continued.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
Arithmetic, including vulgar and decimal fractions, is essential.	General principle of book-keeping.	A proficiency in geography is essential.	A proficiency in the leading points of English history is essential.	Some knowledge of French and a proficiency in translation from Latin are essential.	
A competent knowledge of arithmetic: i.e. including reduction, proportion, practice, interest, as well as the first four rules.					General intelligence.
Arithmetic, including vulgar and decimal fractions.		Geography; particularly that of British India and its dependencies.		Translation from one of the following languages,—Greek, Latin, French, German, Spanish, and Italian; the selection being left to the candidate.	
					Any number not exceeding three of the following five classes of subjects; the selection being made by the candidate:— 1. Languages and literature of Greece and Rome. 2. Modern history, including that of the British Colonies and possessions. Exercises designed to test purity and elegance of style. 3. Elements of constitutional and international law. 4. Elements of political economy. 5. Pure and mixed mathematics, not including the highest branches. Mercantile finance. 6. Geology, chemistry, and civil engineering.

L A N D.

An acquaintance with the first four rules of arithmetic. Barrel mensuration.	To show sufficient competency in book-keeping (not double entry.)				
A competent knowledge of arithmetic.					
Arithmetic, including vulgar and decimal fractions.		Geography.	English history.	Latin, or one modern foreign language.	

TABLE C.—continued.

I R E

DEPARTMENT.	WRITING.	ORTHOGRAPHY.	DICTATION	LETTER-WRITING.	COMPOSITION.	PRÉCIS OF PAPERS.
CONSTABULARY OFFICE (IRELAND).	Handwriting is examined.	Orthography is examined.			English composition is examined.	
DUBLIN METROPOLITAN POLICE OFFICE.	Should be competent in writing, both as to quality and correctness.	Should be competent in spelling.	Should be competent in writing (both as to quality and correctness, as tested by dictation.)			
IRISH OFFICE AND CONNECTED OFFICES.	CHIEF SECRETARY'S OFFICE.		Writing from dictation.	Drawing up an official letter upon a file of papers.	A higher test of English composition (than is involved in the abstract and letter) should be prescribed.	Abstract of a file of papers.
	INSPECTORS OF PRISONS.					
	DIRECTORS OF PRISONS.		Ditto.	Ditto.		Ditto.
PAY-MASTER OF CIVIL SERVICE (IRELAND).	INSPECTORS OF LUNATIC ASYLUMS.					
	CLERKS IN PAY OFFICE.	Writing with expedition and ease; a good free legible hand indispensable.	Ability to write from dictation indispensable.			
	JUNIOR CLERK IN RECORD OFFICE.	Ditto.	Ditto.			
FOUR LAW COMMISSION (IRELAND).	EXTRA CLERKS.	Grammar; especially orthography.	Writing from dictation, the time occupied being noted.	Writing letters on a given direction.	Grammar; especially orthography.	Making abstracts of letters.
REGISTRY OF DEEDS (IRELAND).	A fair, legible hand.		Writing from dictation; to test the power of writing English without faults of grammar or spelling.		The power of writing English without faults of grammar.	

TABLE C.—continued.

L A N D.

ARITHMETIC.	BOOK-KEEPING.	GEOGRAPHY.	HISTORY.	LANGUAGES.	OTHER SUBJECTS, &c.
The fundamental rules of arithmetic.		A general knowledge of the geography of Ireland.			
Should be competent in arithmetic.		Should be competent in the geography of the British Isles.			Should be competent in reading, and should possess a fair share of general information.
Arithmetic, including vulgar and decimal fractions.		Geography.	History.		
Ditto.					
Expertness in arithmetic indispensable.	A competent knowledge of book-keeping indispensable.				" In thus limiting the requirements to such as are indispensable, it is by no means intended to underrate the value of a more liberal education than is indicated by those requirements, but rather to show the lowest scale that it would be safe to adopt for this office."
Ditto.	Ditto.		A good acquaintance with Irish and English history.	A good acquaintance with Latin and French.	" The candidate should understand surveying; and an acquaintance with the rudiments of our laws and constitution would be a very desirable acquisition with reference to the duties he may be called upon to perform in faithfully deciphering and applying the records."
Arithmetic, including vulgar fractions and decimals.		Geography of the British Islands.			Copying; the time occupied being noted.
An acquaintance with the first four rules of arithmetic.					To copy clearly and accurately.

TABLE D. showing for each DEPARTMENT the TOTAL NUMBER of NOMINATIONS, from 21st MAY (the Date of the

DEPARTMENT AND CLASS OF SITUATIONS.	No. of No- mina- tions.	No. of Nominees examined.			Certificates.							
		In London.	In the Provinces.	Total.	Granted.				Refused.			Under Consideration.
					Upon London Ex- aminations.	Upon Local Ex- aminations.	Upon Reports from Departments.	Total.	Upon London Ex- aminations.	Upon Local Ex- aminations.	Total.	
TOTAL OF ALL THE DEPARTMENTS	1,103	486	241	727	264	177	21*	462	134	51	185	15
ADMIRALTY : (a)												
Clerks in Whitehall branch - - -	-	-	-	-	-	-	-	-	-	-	-	-
Clerks in Somerset House branch - - -	9	8	-	8	6	-	-	6	2	-	2	-
Clerks in dockyards, &c. - - -	7	6	1	7	3	1	-	4	3	-	3	-
Temporary clerks - - -	49	40	-	40	26	-	-	26	14	-	14	-
AUDIT OFFICE : (b)—												
Establishment Clerks - - -	8	5	-	5	4	-	-	4	1	-	1	-
Temporary Clerks - - -	9	5	-	5	3	-	-	3	2	-	2	-
BOARD OF TRADE :—												
Junior Supplementary Clerks - - -	3	3	-	3	3	-	-	3	-	-	-	-
CHARITABLE TRUSTS COMMISSION :—												
Second-class Clerk - - -	1	-	-	-	-	-	-	-	-	-	-	-
CHELSEA HOSPITAL :—												
Temporary Clerks - - -	2	2	-	2	2	-	-	2	-	-	-	-
CHIEF SECRETARY'S OFFICE (DUBLIN) :—												
Junior Clerks - - -	2	-	2	2	-	1	-	1	-	-	-	-
CIVIL SERVICE COMMISSION :—												
Junior Clerks - - -	8	8	-	8	2	-	-	2	-	-	-	-
COMMITTEE OF COUNCIL ON EDUCA- TION :—												
Supplementary Clerks - - -	44	36	-	36	14	-	-	14	1	-	1	-
CUSTOMS : (c)—												
Clerks in the Solicitor's Office - - -	5	5	-	5	1	-	-	1	3	-	3	1
Other Clerks and Extra Clerks - - -	112	48	18	66	26	17	13	56	22	1	23	-
Searchers - - -	7	4	1	5	4	1	-	5	-	-	-	-
Landing-waiters† - - -	3	-	-	-	-	-	-	-	-	-	-	-
Principal Coast Officers - - -	5	-	5	5	-	4	-	4	-	1	1	-
Gaugers - - -	9	4	-	4	-	-	-	-	4	-	4	-
Tidewaiters - - -	123	30	57	87	18	30	1	49	12	24	36	3
Weighers - - -	37	14	8	22	11	5	1	17	3	2	5	1
Boatmen† - - -	29	1	11	12	1	11	-	12	-	-	-	-
Housekeepers - - -	2	-	-	-	-	-	-	-	-	-	-	-
Messengers - - -	3	-	-	-	-	-	-	-	-	-	-	-
Watchmen - - -	1	-	-	-	-	-	-	-	-	-	-	-
Watermen - - -	2	-	-	-	-	-	-	-	-	-	-	-
Gate-keeper - - -	1	-	-	-	-	-	-	-	-	-	-	-
GENERAL REGISTER OFFICE :—												
Clerks, Temporary Clerk, and Transcriber -	8	3	-	3	2	-	-	2	1	-	1	-
INDIA BOARD :—												
Clerks - - -	3	2	-	2	1	-	-	1	1	-	1	-
INLAND REVENUE : (d)—												
Clerks in Offices of Account - - -	18	13	1	14	7	1	-	8	6	-	6	-
Clerks in Offices not of Account - - -	6	-	2	2	-	-	-	-	-	2	2	-
Supernumery Surveyors of Taxes - - -	18	5	5	10	-	2	1	3	5	2	7	1
Lieutenants of Revenue Police - - -	3	-	2	2	-	2	-	2	-	-	-	-
Excise Expectants - - -	186	8	112	120	3	90	-	93	5	17	22	5
Packers in Warehouse Department - - -	2	-	-	-	-	-	-	-	-	-	-	-
Distributor of Stamps - - -	1	-	-	-	-	-	-	-	-	-	-	-
Sub-Distributors of Stamps - - -	3	-	-	-	-	-	-	-	-	-	-	-
Collector of Income Tax - - -	1	-	-	-	-	-	-	-	-	-	-	-
Porters - - -	2	-	-	-	-	-	-	-	-	-	-	-
(a) Total of the Admiralty - - -	65	54	1	55	35	1	-	36	19	-	19	-
(b) Total of the Audit Office - - -	17	10	-	10	7	-	-	7	3	-	3	-
(c) Total of the Customs - - -	339	106	100	206	61	68	15	144	44	28	72	5
(d) Total of the Inland Revenue - - -	240	26	122	148	10	95	1	106	16	21	37	6

* As to these cases, see Report, page

† The examination of Boatmen was not continued for more than a few weeks after the institution of the Civil Service Commission.

ORDER IN COUNCIL) to 31st DECEMBER 1855, and the manner in which all such NOMINATIONS have been disposed of.

No. of Nominees not examined.								Competitions.											
Absent, declined, or with-drew.	Not within Limits of Age.	Health not satisfactory.	Admitted upon Reports from Departments.	Not examined under pre-sent arrangements.	Nominations cancelled by the Departments.	Yet to appear for Examination.	Total.	No. of Competitions held.	No. of Situations to be com-peted for.	No. of Nominees.	Nominees examined.			Nominees not examined.					
											Successful.	Unsuccessful.	Total.	Did not appear	Declined or with-drew.	Not within Limits of Age.	Ordered to withdraw for using Books or M.S. Notes.	Yet to appear.	Total.
60	24	1	21	39	50	181	376	9	43	193	43	91	134	28	23	2	3	3	59
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	1	-	-	-	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	4	5	9	-	-	-	-	-	-	-	-	-	-	-	-
2	-	-	-	-	-	3	3	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	2	4	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	-	-	1	1	2	1	1	2	-	-	-	-	-	-
-	-	-	-	-	-	-	-	2	2	8	2	6	8	-	-	-	-	-	-
8	-	-	-	-	-	-	8	1	10	39	10	21	31	5	3	-	-	-	8
-	-	-	13	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	7	26	46	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	2	-	2	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	3	3	3	-	1	3	-	-	-	-	-	-	-	3	3
1	-	-	-	-	1	3	5	-	-	-	-	-	-	-	-	-	-	-	-
1	-	-	1	-	9	25	36	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	1	-	1	13	15	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	17	-	-	17	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	3	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	2	-	-	2	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	1	-	-	-	4	5	-	-	-	-	-	-	-	-	-	-	-	-
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-	1	-	-	-	-	4	4	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	3	4	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	1	-	-	7	8	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	-	-	1	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	2	-	59	66	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	3	-	-	3	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	-	1	-	-	1	-	-	-	-	-	-	-	-	-	-	-	-
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2	1	-	-	-	4	5	10	-	-	-	-	-	-	-	-	-	-	-	-
2	-	-	-	-	5	7	7	-	-	-	-	-	-	-	-	-	-	-	-
-	-	-	15	26	20	70	133	-	1	3	-	-	-	-	-	-	-	3	3
-	1	-	1	9	7	74	92	-	-	-	-	-	-	-	-	-	-	-	-

† A competition between these three nominees for a Landing-waitership in the Customs was announced, but had not taken place prior to Dec. 31, 1855.

TABLE D. (*continued*) showing for each DEPARTMENT the TOTAL NUMBER of

DEPARTMENT AND CLASS OF SITUATIONS.	No. of No- mina- tions.	No. of Nominees examined.			Certificates.								
		In London.	In the Provinces.	Total.	Granted.				Refused.			Under Consideration.	
					Upon London Ex-aminations.	Upon Local Ex-aminations.	Upon Reports from Departments.	Total.	Upon London Ex-aminations.	Upon Local Ex-aminations.	Total.		
NATIONAL DEBT OFFICE :— Junior Clerk - - - - -	1	1	-	1	-	-	-	-	1	-	1	-	
NATIONAL EDUCATION OFFICE (IRE- LAND) :— Junior Clerk - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
NATIONAL GALLERY :— Messenger - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
POLICE OFFICE (DUBLIN) :— Junior Clerk - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
POOR LAW BOARD: (a)— Second-class Clerk - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
Supplementary Clerk - - - - -	1	1	-	1	1	-	-	1	-	-	-	-	
POST OFFICE: (b)— Clerks in Secretary's Office - - - - -	2	2	-	2	1	-	-	1	1	-	1	-	
Clerks in other Offices in England - - - - -	25	21	-	21	13	-	-	13	8	-	8	-	
Supplementary Clerks (Dublin Branch) - - - - -	11	-	9	9	-	6	-	6	-	2	2	1	
PRISONS DEPARTMENT :— Junior Clerks - - - - -	6	6	-	6*	4	-	-	4	1	-	1	-	
PUBLIC WORKS (IRELAND) OFFICE :— Lock-keepers - - - - -	2	-	-	-	-	-	-	-	-	-	-	-	
QUARTERMASTER-GENERAL'S OFFICE: Extra Clerk - - - - -	1	1	-	1	-	-	-	-	1	-	1	-	
QUEEN'S AND LORD TREASURER'S RE- MEMBRANCER'S OFFICE (SCOTLAND): Junior Clerk - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
REGISTRY OF DEEDS (IRELAND) OFFICE: Junior Clerks - - - - -	3	-	3	3	-	3	-	3	-	-	-	-	
STATIONERY OFFICE :— Junior Clerks - - - - -	2	2	-	2	1	-	-	1	1	-	1	-	
TREASURY : Supplementary Clerks - - - - -	2	-	-	-	-	-	-	-	-	-	-	-	
WAR DEPARTMENT: (c) SECRETARY OF STATE'S OFFICE— Junior Clerks - - - - -	2	-	-	-	-	-	-	-	-	-	-	-	
WAR OFFICE— Establishment Clerks - - - - -	30	19	-	19	4	-	-	4	-	-	-	-	
Temporary Clerks - - - - -	32	27	-	27	26	-	-	26	1	-	1	-	
ORDNANCE OFFICE— Establishment and Extra Clerks† (ex- amined on the higher scale) - - - - -	125	82	3	85	22	3	4	29	32	-	32	1	
Out-station Clerks† (examined on the lower scale) - - - - -	7	3	-	3	1	-	1	2	1	-	1	1	
Junior Clerks in Pall Mall or Out-stations† Temporary Clerks - - - - -	54	37	-	37	22	-	-	22	-	-	-	-	
ARMY AND ORDNANCE MEDICAL DEPART- MENT :— Temporary Clerks - - - - -	55	30	1	31	28	-	-	28	2	-	2	1	
COMMANDER-IN-CHIEF'S OFFICE (Ireland)— Junior Clerk - - - - -	1	-	-	-	-	-	-	-	-	-	-	-	
WORKS, OFFICE OF :— Junior Clerk - - - - -	1	1	-	1	1	-	-	1	-	-	-	-	
(a) Total of the Poor Law Board - - - - -	2	1	-	1	1	-	-	1	-	-	-	-	
(b) Total of the Post Office - - - - -	38	23	9	32	14	6	-	20	9	2	11	1	
(c) Total of the War Department - - - - -	309	201	4	205	106	3	5	114	36	-	36	3	

* The nomination in one of these cases was cancelled *after* examination and before final report.

† The distinction in the qualifications required from these two classes respectively was not made till November 10. Previously to that period the examination of all permanent clerks was conducted according to the scheme now in force for clerks on the establishment of the War Department. (See p. 6.)

NOMINATIONS, &c. and the manner in which all such NOMINATIONS have been disposed of.

No. of Nominees not examined.								Competitions.															
Absent, declined, or withdrew.	Not within Limits of Age.	Health not satisfactory.	Admitted upon Reports from Departments.	Not examined under present arrangements.	Nominations cancelled by the Departments.	Yet to appear for Examination.	Total.	No. of Competitions held.	No. of Situations to be competed for.	No. of Nominees.	Nominees examined.			Nominees not examined.									
											Successful.	Unsuccessful.	Total.	Did not appear.	Declined or withdrew.	Not within Limits of Age.	Ordered to withdraw for using Books or M.S. Notes.	Yet to appear.	Total.				
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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-	3	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
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11	-	-	-	-	1	4	11	1	1	28	2	15	17	4	7	-	-	-	-	-	-	11	-
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21	5	-	4	-	10	-	40	3	6	59	6	33	39	12	8	-	-	-	-	-	-	20	-
-	1	-	1	-	-	2	4	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
12	2	-	-	-	3	-	17	1	22	54	22	15	37	7	5	2	3	-	-	-	17	-	
4	10	-	-	-	3	7	24	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
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+ The candidates thus distinguished were nominated to compete for clerkships, and were appointed to the Fall Mail Office or to Post-offices, according to the extent of their attainments as evidenced by the result of the competition. The number appointed to the former was 7, and to the latter 15.

TABLE E. showing the NUMBER of PERSONS examined at the OFFICE of the CIVIL SERVICE COMMISSIONERS, in each Week from the Commencement of the Examinations to the 31st December 1855; with the Names of the ASSISTANT-EXAMINERS.

Week ending.		No. of Candidates examined.	Assistant-Examiners.
1855.			
June	30th	19	Rev. J. Woolley, M. A., LL.D., late Fellow of St. John's College, Cambridge; and W. Spottiswoode, Esq, M. A., F.R. S., of Balliol College, Oxford.
July	7th	6	W. Spottiswoode, Esq.
"	14th	3	W. Spottiswoode, Esq.
"	21st	6	W. Spottiswoode, Esq.; and J. G. Maitland, Esq., M.A., F.R.S., late Fellow of Trinity College, Cambridge.
"	28th	9	W. Spottiswoode, Esq.; and J. G. Maitland, Esq.
August	4th	24	W. Spottiswoode, Esq.; J. G. Maitland Esq., and M. Merlet.
"	11th	5	W. Spottiswoode, Esq.; and J. G. Maitland, Esq.
"	18th	9	W. Spottiswoode, Esq.; and J. G. Maitland, Esq.
"	25th	23	W. Spottiswoode, Esq.; and J. G. Maitland, Esq.
September	1st	11	W. Spottiswoode, Esq.; and J. G. Maitland, Esq.
"	8th	7	J. G. Maitland, Esq.; and Edw. Headlam, Esq., M.A., Fellow and Assistant Tutor of St. John's College, Cambridge.
"	15th	20	J. G. Maitland. Esq.; and Edw. Headlam, Esq.
"	22nd	16	J. G. Maitland, Esq; Edw. Headlam, Esq., and Dr. Heimann.
"	29th	7	J. G. Maitland, Esq.; and Edw. Headlam, Esq.
October	6th	24	Edw. Headlam, Esq; F. Vaughan Hawkins, Esq., B. A., Fellow of Trinity College, Cambridge; and M. Dupont.
"	13th	35	Edw. Headlam, Esq.; and F. Vaughan Hawkins, Esq.
"	20th	29	Edw. Headlam, Esq.; and F. Vaughan Hawkins, Esq.
"	27th	12	Edw. Headlam, Esq.; and F. Vaughan Hawkins, Esq.
November	3rd	13	J. G. Maitland, Esq.; and Edw. Headlam, Esq.
"	10th	21	J. G. Maitland, Esq.; Edw. Headlam, Esq.; and Effingham J. Lawrence Esq., M.A., late Fellow of Trinity College, Cambridge.
"	17th	54	J. G. Maitland, Esq.; E. Headlam, Esq.; E. J. Lawrence, Esq.; and W. Spottiswoode, Esq.
"	24th	14	Edw. Headlam, Esq.; and E. J. Lawrence, Esq.
December	1st	35	Edw. Headlam, Esq.; E. J. Lawrence, Esq; and W. Finch Edwards, Esq., M.A. Fellow of Trinity College, Cambridge.
"	8th	19	E. Headlam, Esq.; and E. J. Lawrence, Esq.
"	15th	52	Edw. Headlam, Esq.; E. J. Lawrence, Esq.; W. F. Edwards, Esq.; and G. W. Hemming, Esq., M.A., late Fellow of St. John's College, Cambridge.
"	22nd	13	Edw. Headlam, Esq.; E. J. Lawrence, Esq.; and W. F. Edwards, Esq.
		486*	

* In the same period during which these 486 persons were personally examined by the Civil Service Commissioners in London, the papers relating to 241 persons whose examinations were conducted in the provinces, were investigated and disposed of.

TABLE F.—NUMBER and PARTICULARS of the COMPETITIVE EXAMINATIONS, conducted by the CIVIL SERVICE COMMISSIONERS, between May 21 and December 31, 1855.

Date of Examination.	Department.	Assistant Examiners.	No. of Situations competed for.	No. of Candidates.		No. of Certificates granted.
				Nomi-nated.	Exa-mined.	
1855.						
July 3	{ Civil Service Com-mission }	- - - - -	1	3	3	1
August 2	War Department	{ W. Spottiswoode, Esq.; J. G. Maitland, Esq.; and M. Merlet }	3	19	15	3
September 13	War Department	J. G. Maitland, Esq.; and E. Headlam, Esq. -	1	4	3	1
October 4	War Department	E. Headlam, Esq.; and F. V. Hawkins, Esq. -	1	28	17	2*
October 11	War Department	E. Headlam, Esq.; and F. V. Hawkins, Esq. -	2	36	21	2
November 8	{ Civil Service Com-mission }	J. G. Maitland, Esq.; and E. Headlam, Esq. -	1	5	5	1
Nov. 12 & 16	{ Committee of Coun-cil on Education }	E. Headlam, Esq.; and W. Spottiswoode, Esq. -	10	39	31	10
November 16	{ Chief Secretary's Office (Dublin) }	Dr. Ball - - - - -	1	2	2	1
December 13	War Department	{ E. Headlam, Esq.; E. J. Lawrence, Esq.; W. F. Edwards, Esq.; and G. W. Hemming, Esq. }	22	51	37	22
Total			42	190	134	43

* The competition in this case was for one situation only; but as the best two competitors obtained precisely the same number of marks, it was arranged by the Secretary of State for War that both of them should receive appointments.

Table G.—DETAILED RESULTS of the EXAMINATIONS in individual Cases (as reported to the Commissioners by the Assistant Examiners).

I. CUSTOMS.—Cases in which CERTIFICATES were REFUSED for CLERKS, &c.

Class of Situation.	No. of Candidate.	SUBJECTS OF EXAMINATION.										Hand- writing.	English Composi- tion.	MISTAKES IN ORTHOGRAPHY. [Note.—The miss-spelt words in <i>italics</i> occurred in a paper the orthography of which was designedly erroneous, and which was given to the candidate, to be by him copied and corrected. The other mistakes were committed in writing from dictation.]
		Arithmetic.						Separate Addition.		Hand- writing.	English Composi- tion.			
		Common.			Decimal.									
		Sums correct.	Sums partly correct.	Sums incorrect.	Sums correct.	Sums partly correct.	Sums incorrect.							
I. CLERKS IN THE SOLICI- TORS' OFFICE; SEARCHERS; AND LANDING WAITERS.	1	2	4	2	nil.	nil.	nil.	—	—	Fair.	Very poor.	worriors [warriors]: poluted.		
	2	1	—	5	—	nil.	—	2	1	Good.	Not examined.	contumacies [contumelies?]; decerns: analagous.		
	3	8	2	2	nil.	nil.	nil.	3	1	Fair.	Very poor.	explanation: majesties: exercised: Van diemands: thonged [thronged]: memmoranda: infringingment: poposition.		
	4	8	—	1	nil.	nil.	nil.	—	—	Very fair.	Not required.	councils [counsels].		
	5	3	—	5	1	—	1	—	—	Tolerable.	"	each [each]: where [were]: immergencies [emergencies]: independant: preasant [present]: justise [justice]: chield [shield]: poluted: compeled: sedicious.		
	6	2	—	1	—	—	1	—	—	Fair.	"	there [their]: voluntarily [voluntary]: coutrymen [countrymen]: military: magistraits: prepared.		
	7	6	—	—	1	—	—	—	—	Fair.	"	government: mutial: individual: emmergencies: determind [determined]: cheiftain: emergentcies: expresed.		
	8	4	—	—	1	—	—	—	—	Exceed- ingly bad.	"	genious [genius]: peice [piece]: committee: occa- sionly.		
	9	7	3	—	—	—	2	—	—	Bad.	"	government: resourcs: foreign (3): caught [caught]: committee: basseed [based]: deivide: St. George's Channel: Isle of White: Gibraltar: ginious [genius]: &c.		
	10	6	2	6	1	—	2	—	—	Indifferent.	"	pronencies: uneveness: erugularity: wholly: prob- ably: messagges [messages]: delenated.		
	11	1	2	1	nil.	nil.	nil.	2	2	Bad.	"	naturaly [naturally]: luxery: heighth: simolar [similar]: posponing: untill: approach: leasure.		
	12	10	2	4	2	—	1	—	—	Indifferent.	"	figures [fingers]: chisel [chisel]: smoth [smooth]: prominicies [prominencies]: delenated.		
	13	3	—	10	—	—	4	2	2	Indifferent.	"	vehimont: epedemical: sanitory: occured: morality (2): mortality: diarea: police (police): contagous.		
	14	5	2	7	3	1	—	2	2	Indifferent.	"	concentrated: cavarins: fiking: mus [must]: peble [pebble]: imploved: seals [seals]: departmen: Her Majesty's gentlemen (3) [for government]: collonies: thouse [those]: fullfilling: untill: analagous: seperately: parliment: p reparation: interballs: concerning: Brittish.		
15	5	—	—	nil.	nil.	nil.	1	3	Bad.	"	contraverry: imploys: has [as]: his [is]: firtue or firtue [virtue]: legeslative: majesties.			
16	5	3	8	—	1	1	3	1	Fair.	"	attaes [attacks]: repaciouness: principal [principle]: wholly [wholly]: pursuite: unmouring [humouring]: allagory [allegory]: hear [here]: satisfactory: session (2): waist [waste]: coarse [course]: analagous: (2) seperately: advise [advise]: posponing: aford: wellfare.			
17	1	—	7	nil.	nil.	nil.	1	3	Indifferent.	"	seperate: excellencies: operates (2): conideration: precipitative [precipitate]: graciously: proclamation: withheld: seperately: misconception: constatinal: consideration: analagous: recovery [recovery].			
18	8	3	4	2	1	1	3	1	Fair.	"	were [where]: comprodiction [interdiction]: severity [severity]: symptom: necessary: diarea: decribes: unwanted [unwonted]: their [there]: asurances: harty [hearty]: spontaneous: misuniformed: preces [presides]: expresed: aliance: unaded: harts [hearts]: brauny [brawny]: subje: leavel: government: improble: (and say 16 mistakes in M.S.).			
19	7	2	5	1	—	3	1	—	Fair.	"	wearry [wary]: sceptisism: fallicies [fallacies]: sophisism: aduced: diareah: proportion: derectiom: diseases.			
20	2	1	3	—	1	—	1	—	Fair.	"	preconnet: displayed: phisical: every [every]: diarea: representations: read [ready]: sanitory: contagous.			
21	6	1	6	2	—	—	1	3	Fair.	"	descensions: occasions: withheld: ascent [assent]: seperately: analagous: occurred: principal [principle]: principle [principal]: Governors (twice): restriction.			
22	1	3	6	3	—	—	3	1	Fair.	"	accended: handsome: exceedingly: statelzness [stateliness]: humain: decession [decision]: controll: hatereds: prolax: pamphlet: paricide: untill: condine: tollerated: charturs: disband: caprice (twice): sherifs: torse [torics]: animated: desenters: gooded [goaded]: presentions: desperale: map of the publication [mass of the population]: obhored: addored: Summersetshire.			
23	9	1	—	1	1	—	nil.	nil.	Tolerable.	"	guiltly: enthusiasm: ammalictial: enfluene: philoshipher: disadvantageous: independantly: pecu larity: possition.			
24	16	1	—	not given.	—	—	—	—	Fair.	"	defused: persuits: bias [bias]: there [their]: prolax [prolix]: pamphlet: affirmed: flecty: tection [diction]: condine: tollerated: prorogoned: desolved: sherifs: borne [born]: wneed [waived]: capting [captain]: torse [torics]: desceters: pely: obhored: Moonmouth.			
25	3	—	11	3	1	1	2	2	Bad.	"	enthusiasm: developpe: leeds [leads]: anametic [analytic]: symphatics: modieraty: singularity: artaries: reference: physiologgy (3): sympon: vollane: writter's: isolated: habits.			
26	4	3	1	2	—	—	3	1	Tolerable.	"	intellectual: viger [vicour]: fashioned: spiculating [speculative]: persutes: polacy: vigilance: sence: mandly [manly]: genus: genus: sentemnt: inflated [inflated]: pamphlet: horribel: treator: (traitors): forfeited: charaters [charters]: parliment: prorogued: tyrany: genetry: yomen: artiens: obhored: addoured.			
27	5	3	2	1	1	1	3	—	Indifferent.	"	institutions: contemporous: convension of [conventional]: walk [warp]: chriticism [criticism]: chalenge: diplomacy: condem: need [need]: her [a]: wheather: attintion: contraverry: iminates: pamphlet: parraside: principals [principles]: forfeited: tyrany: yomen des enters persicution: Summersetshire.			
28	5	5	6	1	1	—	1	1	Indifferent.	"				

Table G.—Detailed Results of Examinations, &c.—*continued*.

II. CUSTOMS.—Cases in which Certificates were REFUSED for TIDEWAITERS and WEAVERS.

Class of Situations.	No. of Candidates.	SUBJECTS OF EXAMINATION.										Hand-writing.	MISTAKES IN ORTHOGRAPHY. [Note—All made in writing from Dictation.]
		Arithmetic.											
		First four Rules.	Weights and Measures.						Examples nearly correct.	Examples wrong.			
			Tables complete.	Tables incorrect.	Tables wrong.	Examples correct.	Examples nearly correct.	Examples wrong.					
III. TIDEWAITERS AND WEIGHERS.	29	1	—	5	—	—	—	—	—	—	Very bad	necessary: is [his]: opinions: conveyed [convened]: emergencies: business: condignant [indignant]: orator: as [has].	
	30	13	—	5	—	—	—	—	—	—	Fair	possess: qualities: countenance: engaging: serene: [serene]: affability: in [and]: sence (twice): new: [knew]: indocent [indecent]: familiarates: of [have]: scolar: sendentry: persuits: is [his] (twice): to [too]: friendship.	
	31	8	3	2	—	—	—	—	1	—	Bad	governments: there [their]: institutions: obtaine: abslutly: necessary: endividual: oppinions: judment: Germinie: polittical: obtanied (twice): borne [born]: pairents: soly: envested: speare: furace [furious], &c. &c.	
	32	6	—	1	1	—	—	1	—	—	Bad	Henery: acomplished: possed [possessed]: qualities: witch [which]: countence [countenance]: ada- bility: overall [overawe]: sence: thoe [though]: often: facious [facetious]: kept: famaliaertys: couters [courtiers]: jugement: assendent: preured: heart [art]: litteature: scholar: sendentry: persuits: lerning: peddentry: suppersition: whor [were]: prevelent: lituars: susceptible: esteemed: saccri- fice: to [too]: enequity [equity].	
	33	6	1	5	3	—	1	3	—	1	Tolerable	sutch: folling [following]: their [there]: them- selves: mutch: trival [trivial]: and [an]: tembers [tempers]: to [too]: generally: exaggerate: essey [essay]: enemy's [enemies]: enemyty: mentiones: oursells: defects:	
	34	8	—	2	4	1	—	—	1	1	—	differant: shous [shows]: prominences: impress- ings [impressions]: humane: irargularity: un- evenness: scynibles [syllables]: languises [lan- guages]: woodords: neslety [necessity]: quickly: proibly: spanyards: messagges: empor deliniated.	
	35	9	2	6	nil.	nil.	nil.	nil.	nil.	nil.	Indifferent	prases [praises]: advantagous: scource: eruptions: government: virtoues: ceacess: benifisial: to [too]: quality: first [firs]: private.	
	36	5	—	6	2	—	4	nil.	nil.	nil.	Indifferent	possed [possessed]: converstant: humane [human]: avile [awhile]: recomends: of [off]: feilds.	
	37	5	1	3	5	1	—	nil.	nil.	nil.	Very bad	preemant [preeminent]: knowledge: millary [mili- tary]: harts [arts]: yook [yoke]: wane [vane].	
	38	8	2	5	nil.	nil.	nil.	—	1	—	Fair	an [and]: decension: excelent: necessery: appli- cation: has [as]: where [were]: ignorant: corrupt: riged: niglegent: orignal: generally.	
	39	5	—	7	3	1	—	nil.	nil.	nil.	Indifferent	Rushian: statements: cource: then [than]: pre- cedeing: propriator: pluctuations [fluctuations]: falce: to one deceeding [to undeceive him]: approach: second: artikles: traphic: commers: imeidately: seice [seize]: orderd: security: sub- mishon.	
	40	2	2	3	5	—	—	—	—	1	Very bad	lickley [likely]: rightley: government: interfeer: discusion: hss [less]: exempt: 2 infulence: feers [fears].	
	41	7	—	2	2	2	1	3	—	—	Fair	thoughly: carrackter: tha [that]: 2 his [is]: escape: notace: peticular: masser: hole [whole]: buiness [business]: siglize [signalize]: differnt: seems [scenes]: beheavour: gudgement: skemes: other [other]: execution: ass [as]: perfectoin: enny: acknowldg: carracter: honnour: enmy: where [were]: profesing: admires [admirers].	
	42	1	2	6	nil.	nil.	nil.	nil.	nil.	nil.	Declined to be examined.	Declined to be examined.	

In cases 30 and 31 a knowledge of Weights and Measures was not required.

Table G.—Detailed Results of Examinations, &c.—*continued*.

III. ADMIRALTY.—Cases in which the Certificate was REFUSED.

No. of Candidate.		SUBJECTS OF EXAMINATION.															MISTAKES IN ORTHOGRAPHY.						
		ARITHMETIC.										Hand-writing.	Making & précis.	Geo-graphy.	Book-keeping.	His-tory.			Latin, or a modern Language.	Algebra, Euclid, or any Branch of Mathematics.			
		Common.			Decimals.			Square and Cube Roots.		Separate Addition.											Exchange and Annuities.		
		Sums correct.	Sums nearly correct.	Sums incorrect.	Sums correct.	Sums nearly correct.	Sums incorrect.	Sums correct.	Sums wrong.	Sums correct.	Sums wrong.										Answers correct.	Answers nearly correct.	Answers wrong.
43		7	1	1	1	1	1	1	4	1	nil.	nil.	nil.	Fair.	Very bad.	Very bad.	Very in-different.	Very scanty.	French exceeding-ly bad.	preminent (twice): <i>epedec-mical</i> [epidemic]: <i>popala-tion</i> : <i>diarrhae</i> .			
44		6	1	3	2	1	1	1	4	1	1	1	1	Very in-different.	Précis very in-different, composition fair	Bad.	Very good.	Not re-quired.	French exceed-ingly bad.	deegree: anylitical: namley: vews [views].			
45		5	1	4	nil.	nil.	nil.	nil.	3	1	1	1	1	Indif-ferent.	Not re-quired.	Not re-quired.	Nil.	"	Not re-quired.	Not re-quired.	beleive: mishapen.		
46		9	1	5	nil.	nil.	nil.	nil.	4	1	1	1	1	Fair.	"	"	Nil.	"	"	"	prodigious (2).		
47		1	1	2	1	1	1	1	nil.	nil.	1	1	1	Bad.	"	"	Nil.	"	"	"	luxeries [luxury]: hither [either]: principal [prin-ciple]: extreams: prove-ing: virtuous: qualaty: distroying.		
48		9	1	3	nil.	nil.	nil.	1	3	1	1	1	1	Bad.	"	"	Nil.	"	"	"	NONE.		
49		9	1	3	nil.	nil.	nil.	2	2	1	1	1	1	Good.	"	"	Nil.	"	"	"	passed [past]: withheld.		
50		1	1	4	1	1	2	1	3	1	1	1	1	Indif-ferent.	"	"	Very bad.	"	"	"	yolk [yoke]: disgre-gated [this degraded] phys-ical: aduced: <i>epedemical</i> : <i>sani-tary</i> : <i>severley</i> : <i>diarea</i> : <i>there</i> [their]: <i>enoltrate</i> [ameliorate]: <i>recieved</i> : <i>contagous</i> .		
51		8	2	4	3	1	1	4	1	1	1	1	1	Fair.	"	"	No know-ledge shown.	"	"	"	maintained: strickly: prece-dancies: <i>seperately</i> : oc-cured: Parliament: lawfull: repeal: anual: principle [principal].		
52		5	7	4	1	2	2	4	1	1	1	1	1	Fair.	"	"	Fair.	"	"	"	powerfull: therefor (twice): recieved (thrice): seperat-ing.		
52		2	1	7	1	3	1	nil.	nil.	1	1	1	1	Not ex-aminated.	"	"	Not ex-aminated.	"	"	"	NOT EXAMINED.		
54		10	2	5	nil.	nil.	nil.	4	1	1	1	1	1	Good.	"	"	Good.	"	"	"	mussels: consistency.		
55		2	2	6	nil.	nil.	nil.	1	1	1	1	1	1	Good.	"	"	Nil.	"	"	"	<i>seperately</i> : <i>layed</i> [laid]: <i>anex</i> .		
56		3	2	4	2	1	1	1	3	1	1	1	1	Indif-ferent.	"	"	Tolerable.	"	"	"	facalty: harness: miterial: anelical [analytical]: ad-dapted: practical: state-man: mediocrity: possi-tion: conspicuous: polit-tion: <i>vains</i> [veins]: arta-ries: possition: inteligible: as [has]: threacems: phy-siology: botton [bottom]: peculiar: writter: treatres [treatise].		
57		15	1	5	3	2	2	4	1	1	1	1	1	Tolerable.	"	"	Fair.	"	"	"	atrociuous: enthesuin (?) [en-thusiasm]: dispropor-tionate: tendency: anelical: conspicuous: <i>plain</i> [plan]: effectively: relatively: ills: [hills]: concieve: has [as]: reference: intellegible: reco-logy: <i>phisology</i> : <i>physollogy</i> : intrest: permaney: com-ercial [commercial]: fareness [fairness]: has [as].		
58		8	1	1	nil.	nil.	nil.	3	1	1	1	1	1	Fair.	"	"	Very fair.	"	"	"	contemporanious: predu-cies [prejudices]: crit-icism: respectfull: <i>prolar</i> : <i>utile</i> : <i>pamplet</i> : <i>villanous</i> : <i>parricide</i> : <i>felirity</i> : <i>perog-ued</i> : <i>fnaly</i> : <i>disgracefull</i> .		
59		3	1	7	1	2	1	3	1	1	1	1	1	Tolerable.	"	"	Bad.	"	"	"	critism: emminates: usefull-ness: exceedingly: skelle-ton: phrasiology [physio-logy].		
60		4	4	1	1	3	1	2	1	1	1	1	1	Fair.	"	"	Fair.	"	"	"	intellectual: modern [moral] preminently: developped: acquaintance: character-ised: vigulience: stile [style]: <i>paricide</i> : <i>mur-derors</i> : <i>condine</i> : <i>prorou-ged</i> : <i>disolved</i> : <i>tyrany</i> : <i>torys</i> [torres]: <i>abhored</i> .		
61		13	4	2	3	1	1	3	1	1	1	1	1	Bad.	"	"	No know-ledge.	"	"	"	<i>prolar</i> : execrable: facility [felicity]: principals [prin-ciples].		

TABLE H.—SHOWING the particular DEFICIENCIES on account of which CERTIFICATES

CAUSES OF REJECTION.		ADMIRALTY.			AUDIT OFFICE.		COMMITTEE OF COUNCIL ON EDUCATION.	CUSTOMS.						GENERAL REGISTER OFFICE.	INDIA BOARD.
		Clerks in Somerset-house branch.	Clerks in Dock-yards.	Temporary Clerks.	Assistant Examiners.	Temporary Clerks.		Clerks in the Solicitor's office.	Clerks and extra Clerks in other offices.	Principal Coast Officers.	Gaugers.	Tide-waiters.	Weighers.	Clerks and temporary Clerks.	Clerks.
<i>For Mistakes or Deficiencies in</i>															
1	Spelling - - - -	-	-	-	-	-	-	-	7	1	2	20	3	-	-
2	Arithmetic - - - -	-	-	1	-	1	-	1	-	-	1	1	-	-	-
3	Book-keeping - - - -	-	1	1	-	-	-	-	-	-	-	-	-	-	-
4	Language - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
5	Spelling; Writing - - - -	-	-	1	-	-	-	-	7	-	-	4	2	-	-
6	Spelling; Arithmetic - - - -	-	-	3	1	-	-	2	8	-	-	7	-	-	-
7	Spelling; Book-keeping - - - -	-	1	-	-	-	-	-	-	-	-	-	-	-	-
8	Spelling; Précis - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
9	Spelling; Language - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
10	Spelling; Geography - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
11	Spelling; Writing; Arithmetic - - - -	-	1	1	-	1	-	-	1	-	1	4	-	-	-
12	Spelling; Writing; Book-keeping - - - -	-	-	1	-	-	-	-	-	-	-	-	-	-	-
13	Spelling; Writing; Language - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
14	Spelling; Arithmetic; Book-keeping - - - -	-	-	2	-	-	-	-	-	-	-	-	-	-	-
15	Spelling; Arithmetic; History - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
16	Spelling; Arithmetic; Geography - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	1
17	Spelling; Geography; History - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
18	Spelling; Geography; Language - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
19	Spelling; Writing; Arithmetic; Book-keeping.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
20	Spelling; Writing; Geography; Language.	1	-	-	-	-	-	-	-	-	-	-	-	-	-
21	Spelling; Arithmetic; Book-keeping; Calculating Per-centages.	-	-	-	-	-	1	-	-	-	-	-	-	-	-
22	Spelling; Arithmetic; Book-keeping; History.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
23	Spelling; Arithmetic; Geography; History.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
24	Spelling; Arithmetic; Geography; Book-keeping.	1	-	-	-	-	-	-	-	-	-	-	-	-	-
25	Spelling; Language; Geography; History.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
26	Spelling; Geography; English Composition; Précis.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
27	Spelling; Arithmetic; Book-keeping; Geography; History.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
28	Spelling; Language; Geography; History; Précis.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
29	Spelling; Language; History; Composition; Précis.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
30	Spelling; Writing; Arithmetic; Book-keeping; Geography; History.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
31	Writing; Arithmetic - - - -	-	-	1	-	-	-	-	-	-	-	-	-	-	-
32	Writing; History; Book-keeping - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
33	Arithmetic; Book-keeping - - - -	-	-	3	-	-	-	-	-	-	-	-	-	-	-
34	Arithmetic; Language - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
35	Arithmetic; Geography; History - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
36	Arithmetic; Précis; History; Geography; English Grammar.	-	-	-	-	-	-	-	-	-	-	-	-	1	-
37	Language; Geography; History - - - -	-	-	-	-	-	-	-	-	-	-	-	-	-	-
38	History; Geography; Language; Composition; Précis.	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Number rejected - -		2	3	14	1	2	1	3	23	1	4	36	5	1	1
Total Number examined (excluding competitions). - - }		8	7	40	5	5	5	5	66	5	4	87	22	3	2

* i. e. 559 were examined for the Departments above mentioned, to which the 185 rejections

of QUALIFICATION have been withheld by the CIVIL SERVICE COMMISSIONERS.

INLAND REVENUE.			NATIONAL DEBT OFFICE.	POST OFFICE.			PRISONS DEPARTMENT.	STATIONERY OFFICE.	WAR DEPARTMENT.					Total.	CAUSES OF REJECTION.
Clerks.	Superintendents of Taxes.	Inspectants of Excise.	Clerks.	Clerks in the Secretary's office.	Supplementary Clerks in Dublin.	Other Clerks.	Third class Clerks.	Junior Clerks.	Temporary Clerks.	War Office.	Ordnance Office.				
											Clerks examined on higher scale.	Clerks examined on lower scale.	Temporary Clerks.		
-	-	4	-	-	-	1	1	-	1	-	-	-	-	40	Spelling.
1	-	2	-	-	1	1	-	-	-	-	4	-	-	13	Arithmetic.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	3	Book-keeping.
-	-	-	-	1	-	-	-	-	-	-	11	-	-	12	Language.
-	-	4	-	-	1	3	-	-	-	-	-	-	1	23	Spelling; Writing.
-	-	4	1	-	-	3	-	1	-	-	1	-	-	31	Spelling; Arithmetic.
-	-	2	-	-	-	-	-	-	-	-	-	-	-	3	Spelling; Book-keeping.
-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	Spelling; Précis.
-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	Spelling; Language.
-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Geography.
-	-	1	-	-	-	-	-	-	-	-	-	-	1	11	Spelling; Writing; Arithmetic.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	Spelling; Writing; Book-keeping.
1	-	2	-	-	-	-	-	-	-	-	1	-	-	1	Spelling; Writing; Language.
2	-	-	-	-	-	-	-	-	-	-	-	-	-	5	Spelling; Arithmetic; Book-keeping.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	Spelling; Arithmetic; History.
-	2	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Arithmetic; Geography.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	2	Spelling; Geography; History.
-	-	1	-	-	-	-	-	-	-	-	2	-	-	2	Spelling; Geography; Language.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Writing; Arithmetic; Book-keeping.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Writing; Geography; Language.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Arithmetic; Book-keeping; Calculating Percentages.
-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Arithmetic; Book-keeping; History.
1	-	-	-	-	-	-	-	-	-	-	-	1	-	2	Spelling; Arithmetic; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Arithmetic; Geography; Book-keeping.
-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	Spelling; Language; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	Spelling; Geography; English Composition; Précis.
-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	Spelling; Arithmetic; Book-keeping; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	Spelling; Language; Geography; History; Précis.
-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	Spelling; Language; History; Composition; Précis.
1	1	-	-	-	-	-	-	-	-	-	-	-	-	2	Spelling; Writing; Arithmetic; Book-keeping; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Writing; Arithmetic.
1	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Writing; History; Book-keeping.
1	-	2	-	-	-	-	-	-	-	-	-	-	-	6	Arithmetic; Book-keeping.
-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	Arithmetic; Language.
-	1	-	-	-	-	-	-	-	-	-	-	-	-	1	Arithmetic; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	Arithmetic; Précis; History; Geography; English Grammar.
-	-	-	-	-	-	-	-	-	-	-	2	-	-	2	Language; Geography; History.
-	-	-	-	-	-	-	-	-	-	-	1	-	-	1	History; Geography; Language; Composition; Précis.
8	7	22	1	1	2	8	1	1	1	32	1	2	1	185	Total Number rejected.
16	10	120	1	2	9	21	6	2	27	46	3	31	1	593	Total Number examined (excluding competitions).

relate; and 34 were examined for other Departments, in which no case of rejection occurred.

TABLE K.—Showing the EXTRA SUBJECTS in which CANDIDATES have successfully passed a VOLUNTARY EXAMINATION, for the Purpose of obtaining honorary additions to their Certificates.

ADMIRALTY.

1. JUNIOR CLERKS, SOMERSET HOUSE.

Prescribed Subjects.—1. Writing English from dictation. 2. Arithmetic, including Vulgar and Decimal Fractions. 3. Book-keeping by double entry. 4. English Composition. 5. Précis, or Digest of Papers and Correspondence. 6. Geography.

And the Candidate must satisfy the Civil Service Commissioners that he has received a liberal education by showing some proficiency in a subject comprised under one at least of the following heads:—

- (a) Latin, or a modern language.
- (b) The leading points of English or Modern History.
- (c) Algebra, Euclid, or any branch of Mathematics or Science.

No. of Candidate.	Extra Subjects chosen by the Candidate for voluntary Examination.	Extent of Knowledge displayed.
1	German translation - - -	Good.

2. TEMPORARY CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. Book-keeping.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	French translation and composition.	Good and intelligent.
	Spanish translation - - -	Very fair.
	Euclid, Books 1. 2. and 3. - - -	An accurate and creditable knowledge.
	Algebra as far as Quadratic Equations.	A fair knowledge
2	French translation - - -	A fair knowledge.
	German translation - - -	Ditto
3	French translation - - -	A creditable knowledge.
	Euclid - - -	Ditto.

AUDIT OFFICE.

JUNIOR CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. Arithmetic (including the Rule of Three, Practice, Interest, and Vulgar and Decimal Fractions). 3. Preparing an Answer to an Official Letter. 4. Abstract of an Official Paper.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	Latin - - -	Very creditable proficiency.
	French - - -	Ditto.
	Book-keeping - - -	A good knowledge.
2	French - - -	Very creditable proficiency.

CUSTOMS.

1. SEARCHERS.

Prescribed Subjects.—1. Writing from dictation. 2. Arithmetic (including Vulgar and Decimal Fractions); and 3. English Composition.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	French - - - - -	Creditable knowledge.
	Latin - - - - -	Very creditable knowledge
	Greek - - - - -	Ditto.
	Algebra (elementary) - -	Creditable and accurate knowledge.

2. CLERKS AND EXTRA CLERKS.

Prescribed Subjects.—1. Writing from dictation; and 2. Arithmetic (including Vulgar and Decimal Fractions).

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	Latin translation - - -	Creditable proficiency.
2	French do. - - -	Ditto.
3	Greek do. - - -	Ditto.
	Latin do. - - -	Ditto.
	French - - -	Very creditable proficiency.
	Euclid - - -	Creditable ditto.
4	Algebra - - -	Very creditable ditto.
	French - - -	A considerable degree of proficiency.
	History - - -	Do.
	Geography - - -	Do.
5	Book-keeping (double entry) -	Highly creditable amount of proficiency.
	Geography - - -	Do.
	History - - -	Do.
	English Composition -	Do.
6	Book-keeping - - -	A fair acquaintance with the principles of.
	Latin - - -	Highly creditable proficiency.
	French - - -	Do.
	Greek - - -	Fair amount of knowledge.
7	French - - -	Moderate proficiency.
	Spanish - - -	Creditable ditto.
8	French - - -	Moderate ditto.
	English Composition -	Creditable ditto.
9	Book-keeping - - -	Creditable ditto.
10	Book-keeping - - -	Very creditable ditto.

3. TIDEWAITERS.

Prescribed Subjects.—1. Writing from dictation. 2. The first four rules of Arithmetic and the different Weights and Measures.

No. of Candidate.	Extra Subjects chosen by the Candidate for voluntary Examination.	Extent of Knowledge displayed.
1	Vulgar and Decimal Fractions - -	Some knowledge of the principles.
	Book-keeping - - - -	Very fair.

GENERAL POST OFFICE.

CLERKS (in all Offices but the Secretary's).

Prescribed Subjects.—1. Writing from dictation ; and 2. Arithmetic, including Reduction, Rule of Three, and Practice.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	French - - - -	Considerable proficiency.
	Spanish - - - -	Ditto.
	Algebra (elementary) - -	Fair acquaintance.
	Book-keeping - - - -	Satisfactory proficiency.
2	French - - - -	Fair proficiency.
	Latin - - - -	Some knowledge.
	Book-keeping - - - -	Creditable knowledge.
3	English Grammar - - - -	Creditable proficiency.
4	French - - - -	Very creditable proficiency.

WAR DEPARTMENT.

1. WAR OFFICE.—ESTABLISHMENT CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. A Précis of Official Papers. 5. Geography. 6. Outlines of History. 7. Latin or one foreign language (French or German, for instance).

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	Book-keeping - - - -	Great skill and expertness, with a thorough knowledge.
	German - - - -	Creditable proficiency both in speaking and translating.
2	Spanish - - - -	Very creditable knowledge in translation.
	Italian - - - -	Ditto.
	Latin - - - -	Some proficiency.
	Mathematics - - - -	Not examined, as he took high honours at Cambridge.

2. WAR OFFICE.—TEMPORARY QUARTERLY CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. First four rules of Arithmetic.
3. Correspondence.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed
1	French - - - - - Italian - - - - - Book-keeping - - - - -	Very creditable proficiency. Creditable ditto. Very good: could scarcely be improved.
2	History and Geography - - - French translation - - - - - French speaking - - - - - Latin - - - - -	Creditable knowledge. Ditto. Some proficiency. Creditable knowledge.
3	French into English - - - - - Latin ditto - - - - -	Ditto Fair elementary knowledge.
4	Geography and History - - -	Creditable proficiency.
5	French translation - - - - - Latin do. - - - - -	Very creditable proficiency. Ditto.
6	Latin - - - - - Greek - - - - - History (Ancient and English) - - - Latin - - - - -	Very creditable knowledge. Creditable do. Very creditable do. Very creditable proficiency.
7	Greek - - - - - French translation - - - - - German - - - - -	Creditable ditto. Very creditable ditto. An acquaintance with the construction of the language.
8	History - - - - - Book-keeping - - - - - Latin - - - - - Greek - - - - -	Very creditable proficiency. Creditable proficiency. Very creditable amount of proficiency. A creditable acquaintance with the language.
9	Algebra - - - - -	A considerable knowledge of the elementary portions.

3. ORDNANCE OFFICE.—CLERKS ON THE ESTABLISHMENT AND EXTRA CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. Arithmetic (including Vulgar and Decimal Fractions). 3. English Composition. 4. Précis of Official Papers. 5. Geography. 6. The Outlines of History. 7. Latin, or one foreign language (French or German, for instance).

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	German translation Italian do. Chemistry - - - - -	A fair elementary knowledge.
2	French translation - - - - -	Very creditable proficiency.
3	Greek do. - - - - -	A fair do.
4	Latin do. - - - - -	A creditable do.
5	German do. - - - - -	A very creditable do.
6	Greek do. - - - - - French do. - - - - - Logic and Metaphysics - - - - -	A creditable do. Ditto. A creditable acquaintance.
7	Greek translation - - - - - French do. - - - - -	A creditable proficiency. Ditto.
8	French spoken and translated - - -	Very creditable proficiency.
9	Speaking French - - - - - Book-keeping - - - - -	Creditable proficiency. Ditto.
10	German - - - - -	A fair elementary knowledge.
11	Mathematics, Mechanics, &c. - - -	A very creditable knowledge.
12	French translation - - - - -	A fair proficiency.
13	French translation - - - - - Algebra - - - - - Euclid - - - - -	A fair knowledge. A fair elementary knowledge. Do. do. do.

4. ORDNANCE OFFICE.—TEMPORARY CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. First four rules of Arithmetic.
3. Correspondence.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	Latin - - - - -	A very creditable knowledge.
2	Arithmetic, including Vulgar and Decimal Fractions, and Square Root - - - - -	A creditable knowledge.
	Book-keeping - - - - -	Ditto.
3	Book-keeping (double entry)	A very creditable proficiency.
4	French translation - - - - -	A creditable proficiency.
5	Latin - - - - -	Ditto.
	French - - - - -	A very creditable proficiency.

5. ARMY AND ORDNANCE MEDICAL DEPARTMENT.—TEMPORARY CLERKS.

Prescribed Subjects.—1. Writing from dictation. 2. First four rules of Arithmetic.
3. Correspondence.

No. of Candidate.	Extra Subjects chosen by the Candidates for voluntary Examination.	Extent of Knowledge displayed.
1	Book-keeping (double entry) -	Marked proficiency.
2	History - - - - -	A creditable amount of knowledge.
	French - - - - -	An amount of knowledge which, by study and cultivation, might be made practically useful.

SUPPLEMENTARY TABLES, showing the NUMBER of NOMINEES examined, &c.. to February 29, 1856.

I.—COMPETITIVE EXAMINATIONS.*

* * * The Numbers in the following Table are included in the one below.

Date of Competition.	Department.	Number of Situations competed for.	Number of Competitors nominated.	Number of Nominees examined.			Number of Nominees not examined.				
				Successful.	Unsuccessful.	Total.	Did not appear.	Declined or withdrew.	Not within Limits of Age.	Ordered to withdraw for using Books or M.S. Notes.	Total.
1855, July 3 -	Civil Service Commission -	1	3	1	2	3	—	—	—	—	—
" August 2 -	War Department (Ordnance) -	3	19	3	12	15	4	—	—	—	4
" September 13 -	War Department (Ordnance) -	1	4	1	2	3	1	—	—	—	1
" October 4 -	War Department (War Office) -	1†	28	2†	15	17	4	7	—	—	11
" October 11 -	War Department (Ordnance) -	2	36	2	19	21	8	7	—	—	15
" November 8 -	Civil Service Commission -	1	5	1	4	5	—	—	—	—	—
" Nov. 12 and 16	Committee of Council on Education	10	39	10	21	31	7	1	—	—	8
" November 16	Chief Secretary's Office (Dublin) -	1	2	1	1	2	—	—	—	—	—
" December 13 -	War Department (Ordnance) -	22	54	22	15	37	8	4	2	3	17
1856, January 22 -	War Department (Ordnance) -	2	18	2	11	13	3	1	1	—	5
" January 22 -	Audit Office -	2	4	2	2	4	—	—	—	—	—
" January 22 -	Customs (Landing-waitership)	1	3	1	1	2	—	—	—	1	1
" January 22 -	Directors of Prisons (Ireland)	2	6	2	3	5	—	1	—	—	1
" February 19 -	War Department	7	21	7	6	13	5	—	3	—	8
" February 19 -	Treasury	2	5	2	2	4	1	—	—	—	1
Total -		58	247	59	116	175	41	21	6	4	72

* Three other competitions are arranged to take place in March for departments in Ireland, viz.—for the *Chief Secretary's Office*, the *Constabulary Office*, and the office of the *Loan Fund Board*.

† The competition, in this case, was for one situation only; but, as the best two competitors obtained precisely the same number of marks, it was arranged by the Secretary of State for War that both of them should receive appointments.

II.—AGGREGATE OF ALL EXAMINATIONS.

Departments.	Number of Nominees examined.			Number of Certificates.		Departments.	Number of Nominees examined.			Number of Certificates.	
	In London.	In the Provinces.	Total.	Granted.	Refused.		In London.	In the Provinces.	Total.	Granted.	Refused.
IN ENGLAND AND WALES.						IN ENGLAND AND WALES					
Admiralty -	70	4	74	45	29	—cont.					
*Audit Office -	20	—	20	15†	6	Prisons Department -	6	—	6	4	1
Chelsea Hospital -	2	—	2	2	—	Stationary Office -	3	—	3	2	1
*Civil Service Commission -	8	—	8	2	—	Trade (Board of) -	3	—	3	3	—
Colonial Office (Ceylon Writer-ship).	1	—	1	—	1	*Treasury -	6	—	6	4	—
Colonial Land and Emigration Office.	2	—	2	1	1	*War Departments -	281	6	287	172	50
*Committee of Council on Education.	36	—	36	14	1	Woods (Office of) -	1	—	1	—	1
Customs -	157	145	302	209†	104	Works (Office of) -	1	—	1	1	—
Exchequer -	1	—	1	1	—	IN SCOTLAND.					
Factories (Inspectors of) -	1	—	1	1	—	Board of Fisheries -	—	1	1	1	—
Foreign Office (Unpaid Attaché).	1	—	1	—	1	Queen's and Lord Treasurer's Remembrancers office -	1	—	1	—	1
General Register Office -	8	—	8	4	4	IN IRELAND.					
India Board -	4	—	4	3	1	*Chief Secretary's Office -	—	2	2	1	—
Inland Revenue -	51	204	255	156	94	*Directors of Prisons (Office of).	—	5	5	2	—
National Debt Office -	1	—	1	—	1	Inspectors of Prisons (Office of).	—	1	1	1	—
Police Court (Bow Street) -	1	—	1	1	—	Registry of Deeds Office -	—	3	3	3	—
Poor Law Board -	1	—	1	1	—	Total -					
Post Office -	30	10	40	28	12		697	381	1078	677	309

* In the case of these Departments, the examinations have in some instances been *competitive*, so that the number of Certificates granted or refused will necessarily bear a smaller proportion to the number of persons examined than in the case of the other Departments.

† Including 3 granted upon the report of the Heads of the Department.

‡ Including 15 granted upon the report of the Heads of the Department.

APPENDIX II.

CORRESPONDENCE, &c.

ADMIRALTY.

ADMIRALTY.

Mr. Phinn to Civil Service Commissioners.

GENTLEMEN,

26th Oct. 1855.

I am commanded by my Lords Commissioners of the Admiralty to transmit to you the enclosed Copy of Regulations relative to the qualifications of persons proposed to be appointed to junior situations in any of the civil establishments under their control, and to acquaint you that their Lordships wish that persons who may hereafter be directed to attend for examination shall be examined as prescribed therein.

Persons directed to attend for examination as to their fitness for temporary employment are to be examined in the subjects specified under head No. 3. as applicable to candidates for dockyards, &c.

With respect to the examinations in Latin and modern languages, their Lordships have to remark that it will be sufficient that the candidate should show an useful acquaintance with the language in which he may be examined, by being able to render correctly into English the sense of passages of ordinary difficulty.

I am, &c.

THOMAS PHINN.

Enclosure in preceding Letter.

No person shall be eligible for a nomination as a junior clerk who is under 17 or above 25 years of age. (An exception to this rule may be made in the case of persons temporarily employed who may be nominated to the establishments, if under 30 years of age, provided that they were under the age of 25 when first temporarily employed.)

Candidates will be required to produce before the Civil Service Commissioners,—

1. A certificate of age.
2. A certificate from some medical man to whom they are personally known, that they are free from any physical defect or disease which would be likely to interfere with the proper discharge of their duties.
3. A certificate of good character.

They will then be examined in the following subjects :

I.—*For the Admiralty, Whitehall.*

1. Writing English from dictation.
2. English composition, and making a précis or digest of papers or correspondence.
3. Arithmetic, including vulgar and decimal fractions.
4. The leading points of English history.
5. Geography.
6. Translation from French.
7. Translation from Latin or from a second modern language.

II.—*For the Departments of the Surveyor of the Navy, Accountant General, Storekeeper General, Comptroller of Victualling, Medical Director General, Director of Engineering and Architectural Works, &c.*

1. Writing English from dictation.
2. English composition, and making a précis or digest of papers or correspondence.
3. Geography.
4. Arithmetic, including vulgar and decimal fractions.
5. A knowledge of the principle of book-keeping by double entry.

And the candidate must satisfy the Civil Service Commissioners that he has received a liberal education, by showing some proficiency in a subject comprised under one at least of the following heads :—

1. Latin, or a modern language.
2. The leading points of English or modern history.
3. Algebra, Euclid, or any branch of mathematics or science.

III.—*For the Dockyards, Victualling Yards, and Naval Establishments at home.*

1. Writing English from dictation, legibly, correctly, and quickly.
2. Arithmetic, including vulgar and decimal fractions.
3. Book-keeping.

Mr. Phinn to the Civil Service Commissioners.

(Extract.)

9th November 1855.

Persons proposed to be temporarily employed under the Board of Admiralty must be not less than 17 years of age.

GREENWICH HOSPITAL.

Mr. Nicholls to Mr. Spedding.

(Extract.)

26th July 1855.

All appointments of young men to situations in the Greenwich Hospital rest with the Lords Commissioners of the Admiralty, and the Commissioners of Greenwich Hospital have no control over such appointments.

No appointments to junior situations in the institution have been made by the Lords of the Admiralty since the 21st of May last.

AUDIT OFFICE.

AUDIT OFFICE.

Mr. Macaulay to Mr. Horace Mann.

(Extract.)

21st June 1855.

"It would seem to the Commissioners of Audit that the most convenient age for admitting young men to probation in the Audit Office is from about 18 to 24, and in the majority of instances the persons hitherto appointed have been between those ages.

"After nomination the candidate is, previous to his employment in the Audit Office, subjected to an examination for the purpose of ascertaining his intellectual fitness for such employment. This examination, the nature of which is laid down by the Treasury, is conducted under the directions of the Board by a committee of their own officers, and comprises the common rules of arithmetic, the rule of three, practice, interest, vulgar and decimal fractions. The candidate is also required, with a view of testing his hand-writing, orthography, and general intelligence, to write from dictation, to make an abstract of an official paper, and to prepare an answer to some official letter."

Extract from Treasury Minute, dated 7th December 1855.

"My Lords are of opinion that the most suitable age of admission to permanent junior clerkships is from 18 to 25; but an exception to this rule may be made in the case of persons temporarily employed who may be nominated to the establishment if under 30 years of age, provided that they were under the age of 25 when first temporarily employed, in conformity with the rule which has been adopted by the Lords Commissioners of the Admiralty.

"But as the service of temporary clerks is short and uncertain, and the object in their case is to obtain the assistance of experienced persons for a short and often emergent purpose, my Lords are of opinion, that while the minimum age for this class of junior appointments should be the same as that for permanent clerks, there should be no fixed maximum age for temporary clerks."

CHARITY COMMISSION.*

CHARITY
COMMISSION.*Mr. Vane to Mr. Spedding.*

27th August 1855.

I have to acknowledge the receipt of your letter of the 25th instant, enclosing copy of Order in Council, which will be submitted to the Board in due course.

* A further letter from this department has been received too late for insertion.

CHELSEA HOSPITAL.

CHELSEA
HOSPITAL.*Mr. Moorhead to Mr. Spedding.*

23d August 1855.

(Extract.)

Two young persons have been employed here since the 13th of July last, chiefly in copying, during a temporary pressure of business.

Mr. Moorhead to Mr. Spedding.

5th Sept. 1855.

(Extract.)

The two individuals in question are, I may say, entirely employed in copying lists of discharged soldiers, whose claims are before our Board for pensions, and statements connected with their services, wounds, &c., and will most probably be so employed during the time it may be necessary to continue their services, so that, beyond writing fair hands, and copying correctly and expeditiously, but little else in the way of qualification is necessary.

COALWHIPPERS.

COALWHIPPERS.

(Extract.)

Mr. Deering to Mr. Spedding.

3d July 1855.

The officers under the Coalwhippers Act are four; viz. :—

Registrar, appointed Nov. 11, 1843.

Clerk to the Board and accountant, promoted to his present situation Oct. 23, 1846, after a probation of three months.

Pay clerk, promoted to his present situation Feb. 1, 1851, after a probation of three months.

Shipping clerk, appointed Jan. 17, 1852, after a probation of three months.

There is a branch office connected with this at Woolwich, where Mr. George Ranwell is deputy registrar, performing all other duties, and whose appointment took place 21st April 1849.

COLONIAL LAND
AND
EMIGRATION
OFFICE.

COLONIAL LAND AND EMIGRATION OFFICE.

(Extract.)

Mr. Walcott to Mr. Spedding.

1st August 1855.

The age at which young men are admissible to clerkships is that suggested by the report of the Civil Service Committee, viz., between 18 and 25, unless in cases where they have been already engaged in the public service.

The Civil Service Commissioners, it is presumed, will frame general rules for ascertaining the physical capability and moral character of candidates. The Emigration Board have no suggestions to offer on these subjects.

It would seem to the Commissioners that little would in general be gained in respect to their establishment by testing what may be called the accomplishments of a candidate, except in so far as they furnish evidence of his past industry, and that his aptitude for the duties which he will usually have to perform would be sufficiently ascertained if he were found to write a good hand, to possess a fair knowledge of arithmetic, and to be able to extract and express in correct and intelligible English the gist of any more or less long and complicated statement which might be placed before him for analysis.

In particular cases, where peculiar qualifications (as those of an accountant) might be required, the Commissioners presume that a special direction might be given to the examination.

(Extract.)

Mr. Maitland to Mr. Walcott.

26th Jan. 1856.

"From the time of your communication the Commissioners infer that the subjects of examination for temporary clerks are regarded as still unsettled, and that the letter with which you favoured them on the 1st August 1855, applies only to candidates nominated to clerkships on the establishment.

It will, of course, be necessary that an arrangement should be come to before Mr. Atkins can be examined; and in order to avoid delay, I am directed to enclose a scheme of examination which may, perhaps, be considered as sufficiently comprehensive, regard being had to the circumstance that some, at least, of the most important qualifications required for temporary clerks appear to be of a description not to be tested by examination.

"I am to request that the scheme may be submitted to the Colonial Land and Emigration Commissioners for their consideration, and I am at the same time to suggest that if it is deemed expedient to adopt with regard to temporary clerks limits of age different from those specified in your letter of 1st August 1855, such limits of age should be communicated to the Civil Service Commissioners.

Enclosure in preceding Letter.

Proposed Scheme for Examination for Temporary Clerkships.

1. Exercises designed to test hand-writing and orthography.
2. Elementary arithmetic.
3. Exercises of a simple character in English composition, designed to test ability to write an ordinary business letter.

(Extract.)

Mr. Walcott to Mr. Maitland.

29th Jan. 1856.

The scheme of examination proposed in your letter will be fully sufficient.

Mr. Walcott to Mr. Maitland.

2d February 1856.

I am directed by the Colonial Land and Emigration Commissioners to acknowledge the receipt of your letter of the 31st ult. respecting the qualifications of temporary clerks in this office. And I am to state that the Emigration Commissioners do not apprehend that any inconvenience can arise from requiring that all persons hereafter appointed as temporary clerks should be between the ages of 17 and 45 years. If, however, the Civil Service Commissioners think that any object would be gained by adopting the term already fixed in another office, they would be perfectly ready to adopt the maximum of 40 as in the War Department.

Mr. Maitland to Mr. Walcott.

COLONIAL LAND
AND
EMIGRATION
OFFICE.

(Extract.)

5th Feb. 1856.

I am directed by the Civil Service Commissioners to acquaint you that they see no objection whatever to the adoption of the limits first mentioned in your communication. They will therefore regard 17 as the minimum and 45 as the maximum in the case of candidates for temporary clerkships.

COLONIAL OFFICE.

WRITERSHIPS IN CEYLON.

COLONIAL OFFICE.

1. Writerships
in Ceylon.

Sir W. Molesworth to the Civil Service Commissioners.

GENTLEMEN,

Downing Street, 16th October 1855.

A WRITERSHIP in the Ceylon Civil Service having fallen vacant and requiring to be filled by a gentleman to be sent out from this country, it becomes necessary for me to consider on what footing the selection for this purpose shall be made.

2. In the present infancy of the experiment of open competition and in the face of the superior attractions of the Indian service, which are certain to draw off the ablest of those who are willing to encounter that system of examination, I am not convinced of the expediency of extending that system to the Ceylon service; I therefore propose to adhere for the present to the system of nomination by the Secretary of State, subject, however, to the production by the candidate nominated of certificates of fitness furnished or approved by your Board.

3. These certificates ought to comprise the four points of age, health, character, and intellectual qualifications. With respect to age, health, and character, it appears to me that the rules recently laid down for the Indian service (which I annex) may be properly adopted for Ceylon, subject to any modifications of detail which you may recommend. With respect to intellectual qualifications, I shall be glad to receive from you for my consideration a scheme of rules establishing proper tests.

4. These rules ought undoubtedly to be such as to secure a considerable degree of natural talent and educational attainment in every gentleman sent out, considering the great importance of the duties which are entrusted to the members of this service.

But we must not proceed as if we were in search of the endowments which qualify for imaginative or speculative authorship. What we want is the practical ability and information which is appropriate to the superintendence of public affairs and the transaction of public business. I am therefore anxious that the scale of subjects and tests which you are to suggest, while of course comprising the leading features of a liberal education, should be given as far as possible a practical character.

5. Among other practical branches of knowledge, it appears to me that considerable value ought to be assigned in the proposed scale to an acquaintance with mercantile finance and accounts, and with civil engineering. The latter is to be regarded as a subject of importance from the circumstance that one of the main duties of the Government, in a half civilized community like that of Ceylon, is to promote mechanical works of improvement. I am also of opinion that a high place in the scale of subjects should be assigned to the native languages.

6. I am not however prepared to say, at least at present, that any of the above three subjects should be made a *sine quâ non*. With respect to the last, which is the most essential, there are at present few facilities of acquisition in this country, and due provision against deficiency upon this head is made by a local rule of the service, which prohibits the promotion of the junior members except upon their passing a proper examination in the language of the district of employment.

7. How far the ascertainment of intellectual fitness ought to be effected by examination, *vivâ voce* or otherwise, under your own superintendence, or may be allowed to depend upon certificates from elsewhere, I leave you to consider. I apprehend that there are many of the degrees or diplomas of our educational institutions which, if of recent date, would render further examination unnecessary in the departments of study to which such distinctions may have had reference.

8. There will be some practical difficulty in fixing in a tangible manner the minimum of talent and attainment to be required, but this difficulty I have no doubt you will be able to surmount.

The standard in question will, I consider, be placed sufficiently high, at all events for the present, if it is on the whole not inferior to the minimum at present required of students in Haileybury College, to enable them to obtain their appointments to India.

9. It will, I think, be advisable that your certificates of intellectual fitness should be of two grades, one of competency and another of distinguished merit, in order that they may be forwarded to the Governor for his guidance in appointing the writers sent out to subsequent situations. But it will of course be likewise open to you to make any special report to the Secretary of State which you may think fit, respecting the qualifications of candidates.

I have, &c.

(Signed) WM. MOLESWORTH.

COLONIAL OFFICE.

1. Writerships
in Ceylon.

EXTRACT OF REGULATIONS for the Examination of Candidates for Appointments to the Civil Service of the East India Company, framed by the Board of Commissioners for the Affairs of India, under the provisions of the Act 16 & 17 Vict. c. 95. sec. 38.

Regulations.

"1. Any natural-born subject of Her Majesty who shall be desirous of entering the Civil Service of the Company, will be entitled to be examined at such examination, provided he shall, on or before the 1st of May 1855, have transmitted to the Board of Commissioners:—

"(a) A certificate of his age being above 18 years and under 23 years.

"(b) A certificate, signed by a physician or surgeon, of his having no disease, constitutional affection, or bodily infirmity, unfitting him for the Civil Service of the Company.

"(c) A certificate of good moral character, signed by the head of the school or college at which he has last received his education; or, if he has not received education at any school or college since the year 1852, then such proof of good moral character as may be satisfactory to the Board of Commissioners."

The Civil Service Commissioners to Mr. Labouchere.

3d December 1855.

WE have given to the very important communication, relative to the qualifications for writerships in Ceylon, with which we were favoured by the late Sir William Molesworth on the 16th of last month, our most careful consideration, and we should have earlier communicated our views on the subject had it not appeared expedient that we should defer such communication until the vacancy occasioned by the decease of that distinguished person had been supplied by the appointment of a successor.

We have now to submit to you the suggestions which appear to us best calculated to carry out the objects proposed, and as Sir William Molesworth's communication has left no topic of importance untouched, it may be convenient that our observations should assume the form of comment upon the successive paragraphs of his letter.

2. Sir William Molesworth having expressed his intention of adhering for the present to the system of appointment by the Secretary of State, without introducing the principle of open competition, we shall not address ourselves to the comparative merits of these two modes of appointment unless invited to do so by Mr. Secretary Labouchere. We shall limit ourselves to the observation that the examinations which have taken place in this office, in which there have been competing candidates, have been the means of introducing into the service persons having higher qualifications than those displayed by candidates who have been admitted upon simple examination without competition.

3. The regulations as to age, health, and character recently laid down for the Indian Service appear to be so judiciously framed, as to render it unnecessary that we should avail ourselves of the permission offered us to suggest such modification of detail as we may deem expedient.

4. To the views expressed in this paragraph we unreservedly assent; we should regard as most imperfect any scheme of examination not designed to elicit the natural talent and attainment of candidates, while it would at the same time be our desire to avoid all risk of undervaluing the ability and information requisite for the superintendence of public affairs, and the transaction of public business.

With the view of testing natural ability, talent, and educational attainments, we should propose that each candidate should be required to pass an examination in two at least of the three following subjects:—

1. English history.

2. The Latin language and literature.

3. Mathematics including Euclid, the first part of algebra, plane trigonometry, and elementary natural philosophy. As regards practical ability and information, we feel it almost superfluous to observe, that the candidate should possess the following accomplishments, necessary, as we conceive, for the efficiency of the public service, and the maintenance of its credit among the educated classes of society:—

(1.) The power of writing a good hand without errors of orthography.

(2.) A sound knowledge of arithmetic.

(3.) Some proficiency in English composition.

5. Fully concurring in Sir William Molesworth's observations as to the utility of an acquaintance with mercantile finance and accounts, with civil engineering, and with the native languages of Ceylon, and at the same time appreciating the reasons which led him to the conclusion that none of these attainments ought, for the present, to be regarded as a *sine qua non*, we consider that with regard to the several subjects enumerated, the native languages only excepted, a middle course may with advantage be adopted.

It would, we think, be desirable that candidates should be encouraged, though not required, to offer themselves for examination in these subjects, and that proficiency when displayed, should be rewarded by an honorary certificate.

With regard to the vernacular languages of Ceylon, we are so fully aware of the superior facilities offered for their acquirement in the island itself, that we should not be disposed to include them, even as permitted or voluntary subjects of examination.

The Report on the subject of the examination of candidates for the East Indian Civil Service, may be referred to for some very just remarks on the undesirableness of stimulating the acquisition of a specialité which, to those candidates who may not succeed in obtaining Indian appointments, can hardly afford a compensation proportionate to the labour which must be bestowed on its attainment.

7. We have to suggest that when a candidate has taken a degree at any British University and thereupon obtained any academical honour in respect of classics, mathematics, or English history, such honour should be considered as sufficient evidence of his natural talent and educational attainment without any further examination on the particular subject.

8. With regard to the minimum at present required of students in Haileybury College, in order to their proceeding to their appointments in India, we believe ourselves to be in possession of information sufficient to enable us, in compliance with Sir William Molesworth's wish, to regulate by that standard the degree of proficiency which should be regarded as indispensable in examinations conducted under our directions.

9. There will not, we apprehend, be any difficulty in carrying out the suggestion that there should be two grades of certificates of intellectual fitness, one of competency and the other of distinguished merit; an arrangement which closely resembles that already established at Haileybury. We shall also hope to avail ourselves, as often as occasion may require, of the permission offered us to make special reports to the Secretary of State.

Having thus gone through the several parts of Sir William Molesworth's letter which appeared to require especial notice, we have only in conclusion to assure you of our willingness to undertake, if such should be your wish, the preparation of a formal scheme to be submitted for your approval.

To any addition or modification which you may be pleased to suggest, we shall be prepared to give our best consideration.

We have, &c.

Mr. Merivale to the Civil Service Commissioners.

GENTLEMEN, Downing Street, 14th December 1855.

I AM directed by Mr. Secretary Labouchere to acknowledge your letter of the 3rd of this month, in which you favour him with your remarks on the proposals made by his predecessor, the late Sir William Molesworth, respecting the examination of candidates for writerships in Ceylon.

2. Mr. Labouchere desires to express a general concurrence with the spirit of the observations addressed to you by his predecessor, and I am desired to express to you his thanks for the attention you have bestowed on the subject.

3. Mr. Labouchere will be obliged by your communicating to him your general scheme of the proposed examination of candidates for these writerships, whenever you see occasion to complete it.

4. He agrees in the opinion conveyed in your letter respecting the study of native languages, believing that it will be best cultivated in Ceylon, where it has been for some time made a condition of the appointment of writers to permanent posts in the Civil Service that they should possess a certain proficiency in this branch of knowledge.

5. He does not desire upon this occasion to express any opinion with regard to the general preference which you appear to give in favour of competitive over mere test examination, but under the circumstances of the present case it will probably be his wish, whenever a vacancy for the place of a writership in Ceylon shall occur, to submit to you several candidates, in order that the best qualified may be appointed.

6. But in this case it appears to him doubtful whether your proposals respecting the advantage to be allowed to candidates who have taken degrees at universities would apply; and whether gentlemen so circumstanced ought not to be placed in all respects on the same footing with the other competitors.

I am, &c.

(Signed) HERMAN MERIVALE.

Mr. Maitland to Mr. Merivale.

SIR,

1st Feb. 1856.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 14th ult. relative to the examination of candidates for writerships in Ceylon.

2. In compliance with the wish of Mr. Secretary Labouchere conveyed to them in your letter, the Commissioners have framed a scheme of examination which I have the honour to enclose for his consideration.

3. In some important points the plan sketched out by the Commissioners in their letter of the 3d inst. has been departed from. The correspondence which has in the meantime taken place with regard to examinations for junior situations in the Colonial Office, and the intimation contained in your last letter that it will probably be the wish of Mr. Secretary Labouchere, when a vacancy for the place of a writership in Ceylon shall occur, to name several candidates in order that the best qualified may be appointed, have led the Commissioners to think that the somewhat limited range of examination which they originally suggested might advantageously be extended.

4. In the observation with which your letter concludes, as to the necessity of subjecting all competing candidates to the same examination, the Commissioners fully concur. Their former suggestion was intended to apply to those cases only in which a single candidate might be nominated.

I have, &c.

COLONIAL OFFICE.

1. Writerships
in Ceylon.

CEYLON WRITERSHIPS.

Proposed Scheme of Examination.

I. Preliminary Examination.

1. Exercises designed to test hand-writing and orthography.
2. Arithmetic including vulgar and decimal fractions.
3. Geography, particularly that of British India and its dependencies.
4. Translation from one of the following languages: Greek, Latin, French, German, Spanish, and Italian, the selection being left to the candidate.
5. The preparation of précis or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon each of these subjects will not be permitted to proceed further with their examination, and will not be eligible for appointments.

II. Final Examination.

1. Languages and literature of Greece and Rome.
2. Modern history, including that of the British colonies and possessions. Exercises in English composition, designed to test purity and elegance of style.
3. Elements of constitutional and international law.
Elements of political economy.
4. Pure and mixed mathematics, not including the highest branches. Mercantile finance.
5. Geology, chemistry, and civil engineering.

Of the five classes of subjects thus defined candidates are at liberty to select any number not exceeding three in which they desire to be examined.

(Extract.)

Mr. Ball, M.P. to Mr. Maitland.

10th Feb. 1856.

I am directed by Mr. Secretary Labouchere to acknowledge the receipt of your letter of the 31st ultimo, and to request that you will signify to the Civil Service Commissioners his concurrence in the scheme of examination for candidates for the Ceylon Civil Service which you have submitted for his consideration.

2. Clerkships
in the
Colonial Office.

2. CLERKSHIPS IN THE COLONIAL OFFICE.

(Extract.)

Mr. Ball, M.P. to Mr. Horace Mann.

11th July 1855.

In answer to the questions contained in your letter, I am directed to state that no limit of age is prescribed in this department for the admission of young men, and that they are subjected to no examination on admission, but (by a regulation of comparatively late date,) they are regarded as probationers for the first year, and admitted as full clerks only upon their fitness being reported by the head of the department to which they are attached, and by the permanent Under Secretary. A copy of the form of letter which is addressed to probationary clerks, upon their appointment, is herewith annexed for the further information of the Civil Service Commissioners.

No appointment to a clerkship has taken place in this department since the 21st May.

In answer to the request of the Civil Service Commissioners, to be furnished with any suggestions on the subject which the Secretary of State may think it necessary to offer, I am to state that his Lordship is of opinion that the probationary period in this department is too long, and that six months will be preferable.

After 12 months the heads of departments are very unwilling to drive out of the office young men whose conduct and capacity are barely adequate to their duties.

(Enclosure referred to in preceding Letter.)

SIR,

Downing Street, 185 .

I AM directed by _____ to acquaint you that has been pleased to appoint you to be a probationary clerk in this department, on the understanding that you will be appointed to the establishment of the office at as early a period as may be practicable, if, after this probation, he should be satisfied of your fitness for such advancement.

I am further directed by _____ to inform you that, in order that he may be able to ascertain your qualifications for that purpose, a written report respecting you will be required from the permanent Under Secretary of State at the end of the first 12 months of your employment. The Under Secretary will be required to state whether during that time you have given proof of an aptitude for the peculiar business of this department, such as to indicate not only that you are fully equal to those duties which will devolve upon you as a junior member of the office, but that there is good ground for anticipating that, with the experience which you will acquire in that position, you will become well qualified for the more important duties of a senior member of the establishment, that being the position to which you would attain in the ordinary course of promotion. You will distinctly understand, that if the report of the Under Secretary should prove unsatisfactory, you will cease to continue any longer attached to this department.

I have, &c.

Mr. Merivale to Mr. Maitland.

COLONIAL OFFICE.

SIR,

Downing Street, 27th December 1855.

In the letter addressed by Mr. Horace Mann, as secretary pro tempore to the Civil Service Commissioners, to this department on the 14th June last, respecting the Order in Council of the 21st May 1855, the Commissioners expressed themselves desirous of receiving any suggestions on the general subject of the admission of clerks in the Colonial Department, which the Secretary of State might think proper to offer.

I am directed by Mr. Secretary Labouchere to request that you will lay before the Commissioners the following reply to their suggestion, premising, that the lamented death of the late Secretary of State, Sir William Molesworth, at a time when he had begun to give his sedulous attention to this as well as other topics of public importance connected with this department, has been the cause of the delay which has intervened since the receipt of your letter. But as no vacancy has since occurred on the establishment of this office, no practical inconvenience has resulted from that delay.

Mr. Labouchere concurs in the opinion expressed by the committee of inquiry which reported on the condition of this office in 1849, that the want of an examination previous to admission has been a defect in its regulations, and that the year's probation required of clerks, "although it answers useful purposes of its own, cannot supply the place of such examination."

In considering the kind of examination to be adopted, it must be borne in mind (to borrow the language of the same report) that "the functions of the Colonial Office are remarkable for their variety, importance, and difficulty, and that experience and ability of a high order are necessary to their proper performance." Perhaps it is not too much to say, that no department in the State requires qualifications of a higher order for the execution of the more important part of its functions. The clerks of the senior ranks are not only called upon to supply the Secretary of State with the results of their own official information and experience in order to enable him to form a decision on a given question, and to perform the practical operations necessary for carrying that decision into effect (although these alone are functions of importance); they have also to give their suggestions and advice to the Secretary of State on frequent emergencies, and thus to take a subordinate but material part in the conduct of the correspondence of the office with the numerous and variously governed dependencies of the empire.

A sound, and, if possible, a quick and versatile judgment, a mind trained to reasoning, retentiveness of memory, facility and accuracy of composition, a good knowledge of modern history and geography, and some knowledge of the elementary principles of law and jurisprudence, especially constitutional; these are among the qualities, natural and acquired, which may be said to be most frequently in requisition here, and which it is very desirable to ensure, as far as this can be effected by the test of previous examination. To these may be added a knowledge of the most generally diffused modern languages, not as of the same essential importance here as perhaps in some other departments, but still as valuable both directly for occasional use, and indirectly from its extensive range of knowledge which it opens to its possessor; a knowledge of figures and accounts, for which there is very frequent use; and lastly, classical acquirement, not of course as in itself often available, but from the test which it affords of early habits of application, and from its tendency to aid in mental development. Mr. Labouchere would also suggest, that, for the purposes of this department, great ability in one particular line should every now and then be received as a compensation for deficiency in others as by a division of labour such special talents may easily be made available.

It is Mr. Labouchere's opinion, that whatever may be the value of an examination by way of test, if conducted by able and experienced hands, for eliciting proof of qualities such as these, yet a far greater and more effective security will be afforded by examinations conducted to a certain extent on the competitive principle.

But it is essential to bear in mind one consideration, which it may be feared rather adds to than diminishes the difficulty of dealing with the subject. Although the above description of the qualities required in the higher departments of this office is in no degree exaggerated, it is nevertheless true, to revert again to the opinion expressed in the report already cited, that the "official education" which occupies generally the first years of a clerk's employment (more or less according to circumstances over which the clerk himself can have but little control) must partake, in a great degree, of a mechanical character. Something has been done, since that report appeared, towards carrying out its recommendations that this class of business should be entrusted to copyists and others not on the establishment. Nevertheless it remains the case, and must in Mr. Labouchere's opinion so remain, that a large proportion of work, of little more than routine order, cannot be properly performed except by the regular clerks.

It may, therefore, be a considerable time before the higher qualities of which I have spoken are put seriously in requisition in each case, and in the meantime another order of qualities is required, not always found in combination with them. Mechanical accuracy, habits of carefulness, a ready and precise memory of details, punctuality and neatness in the discharge of minutiae, a readiness to take interest in comparatively uninteresting work, that gentlemanly spirit which prompts at once to co-operation with superiors and subordination to them, these and such as these are the qualities which in the Colonial office, as elsewhere, are most commonly called into use during the earlier part of a clerk's employment.

2. Clerkships in
the Colonial
Office.

COLONIAL OFFICE.

2. Clerkships in
the Colonial
Office.

The conclusions which Mr. Labouchere draws from these various, and to a certain extent conflicting, considerations are the following:—

That the preliminary examination should be so directed as to draw out as far as possible the latter as well as the former class of qualities, a problem of which he recognizes the difficulty, and can only leave it to the practised experience of the members of the Civil Service Commission.

That whatever may be the character and acquirements of those who may succeed in the examination, the year of probation, at present required, ought by no means to be dispensed with.

Further, Mr. Labouchere believes that a system of open competition, under which duties, such as above described, should be simply intrusted, without other guarantee, to the performance of the cleverest and most ambitious youths, would be at least of doubtful advantage for the purposes of this department. Mr. Labouchere, however, does not wish to enter on this important general question further than is necessary to explain his intentions. For the present he means to place on his list of candidates for the office a certain limited number of young men, of whose character and qualifications he may have had reason to form a favourable opinion. When a vacancy in the establishment occurs, it is his design to leave it open for the competition of his list, leaving the decision between them to the Commissioners, if they do not object to this demand on their time and services. It would of course be open to the Commissioners to combine the system of competition with that of test, and to report, if such were their opinion, that no candidate before them was fit for selection.

I am, &c.

(Signed) HERMAN MERIVALE.

Mr. Maitland to Mr. Merivale.

Civil Service Commission,
2d January 1856.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 27th ult., relative to the examination of candidates who may be nominated to junior situations in the department of the Secretary of State for the Colonies, and to request you will assure Mr. Secretary Labouchere that it will be the endeavour of the Commissioners to regulate in accordance with his wishes any examinations which it may be their duty to conduct. These wishes are so clearly expressed in your communication as to relieve the Commissioners from the difficulty which they would have felt had they been invited to frame, without such assistance, a scheme of examination adapted to the requirements of so important a department.

(1.) I am in the first place to state, that in the preference expressed by Mr. Secretary Labouchere for a system of limited competition, as contrasted with one of pure nomination, the experience acquired by the Commissioners leads them fully to concur, and it will therefore be assumed in the observations which follow that the former plan will for the future be adopted. Should any unforeseen circumstance render it expedient to revert to the system of pure nomination, there will be no difficulty in making the requisite adaptations.

(2.) It appears to the Commissioners desirable that, as a general rule, competing examinations should be divided into two portions. The former of these ought, they conceive, to be of a character somewhat elementary, and its object should be to ascertain that the candidate possesses those attainments, which, either on general grounds, or by reason of the peculiar requirements of the position to which he has been nominated, are to be regarded as indispensable. The second portion of the examination should, they think, be of a higher order, and should be adapted to test, as far as an examination can test, both the natural abilities of the candidate, and the extent to which these abilities have been cultivated.

(3.) Among the attainments which should be tested by the first or preliminary portion of the examination may be mentioned—good and legible handwriting, orthography free from all serious faults, together with a competent and intelligent knowledge of arithmetic.

It may appear almost superfluous to allude to accomplishments of so low an order; but the fact being, that to deficiencies in these qualifications, and particularly in orthography, the great majority of rejections is attributable, and that such deficiencies are not, as might have been expected, found only in candidates for the lower appointments in the Civil Service, it appears necessary that they should be made distinct subjects of examination. If, in order to meet the requirements of the Colonial office, the preliminary examinations were also to include modern history, particularly that of the British colonies, geography, one foreign language, to be selected by the candidate, and the preparation of a précis or abstract of official papers, the minimum to be required would, perhaps, be fixed at a level sufficiently high.

(4.) For the second portion of the examination there would remain the classical and modern languages, the elementary principles of law and jurisprudence, especially constitutional, and one or two exercises in English composition. Whether it might not also be desirable that in this portion of the examination a candidate acquainted with the elements of political economy, or with mathematics, pure or mixed, should be permitted to make his knowledge available, is a question which the Commissioners will content themselves with suggesting.

(5.) The proposed division of the examination into two portions, besides offering a convenient means of eliminating at an early period, candidates who have no chance of ultimate success, possesses in the present case one peculiar recommendation. It is suggested in your letter that great ability in one particular line "should every now and then be received as a compensation for deficiency in others." It may, of course, be assumed that this suggestion is intended to be of limited application, and that there are some attainments so essential that their place cannot be supplied by equivalents. Should the distribution here made between the preliminary and final examination not correspond in the judgment of Mr. Secretary Labouchere to the distinction between indispensable and desirable acquirements, the Commissioners will be glad to be favoured with any corrections which he may wish to introduce. With the view of bringing the subject in all its details under his consideration, I enclose a paper, in which the suggestions above offered are repeated in a more formal shape.

(6.) With regard to the term of probation, I am to request that you will call the attention of Mr. Secretary Labouchere to the circumstance that in the communication addressed by Mr. Ball to this office on the 12th of July 1855, it was stated as the opinion of Lord John Russell, that the probationary period as then and now fixed, was too long, and that six months would be preferable. In this opinion the Commissioners are disposed to agree, for the reasons assigned in Mr. Ball's letter; and they think it may be well to add that the Order in Council of 21st May 1855, although not in terms imperative, appears to contemplate a six months probation. With these remarks they leave the question to the decision of Mr. Secretary Labouchere.

(7.) I am, in conclusion, to request that the limits of age which it is deemed desirable to fix may be communicated to the Commissioners, in order that they may be enabled to grant certificates strictly in accordance with the provisions of the Order in Council.

I have, &c.

Enclosure in preceding Letter.

Proposed Scheme of Examination.

I.—Preliminary Examination.

1. Exercises designed to test hand-writing and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. Modern history, and in particular the history of the British Colonies.
4. Geography.
5. Translation from one foreign language (French, German, Spanish, or Italian), the selection being left to the candidate.
6. The preparation of a précis or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon each of these subjects, will not be permitted to proceed further with their examination, and will not be entitled to certificates of qualification.

II.—Final Examination.

1. The languages and literature of Greece and Rome.
2. The modern languages above named.
3. The elements of law and jurisprudence, and in particular those of constitutional law.
4. Exercises in English composition.
5. The elements of political economy.
6. Mathematics, pure and mixed.

Mr. Merivale to Mr. Maitland.

SIR,

Downing Street, 17 January 1856.

I AM directed by Mr. Secretary Labouchere to express his thanks to the Civil Service Commissioners for their letter of the 2nd of this month; and to state that he is disposed to concur generally in the plan of examination which they propose, subject to the following observations:—

2. The preliminary examination intended merely to secure on the part of the candidates the more essential elements of instruction, should, in Mr. Labouchere's opinion, be of a very simple character. He therefore thinks that one of the subjects included in the proposed scheme, viz: "Modern History, and in particular the history of the British colonies," may without disadvantage be omitted.

3. In connection with the modification which Mr. Labouchere contemplates in the plan of the final examination, he thinks that Latin and Greek may properly be included in the list of languages, some one of which, at the option of the candidate, shall be required in the preliminary examination.

4. The first object of the entire scheme being to secure that all the candidates selected for employment in this department shall be men who combine natural ability with industry, while it would be a positive advantage that their special talents and attainments should be varied in their nature, Mr. Labouchere thinks that both these ends would best be attained by such an arrangement as would tend to secure excellence in a comparatively limited sphere, rather than a lower standard of attainments spread over a wide range of subjects.

5. This result would, to a great extent, be secured by restricting the number of subjects in which each candidate should be examined in the final examination which is intended to test the comparative merit of those who have passed with success the preliminary examination.

COLONIAL OFFICE.

2. Clerkships in
the Colonial
Office.

6. With this view, Mr. Labouchere would slightly modify the arrangement proposed by the Commissioners, dividing the final examination under five heads, nearly equal in relative importance, with a little alteration in some of the details as follows:—

1. Languages and literature of Greece and Rome.
2. Languages and literature of France, Germany, and Italy.
3. Modern history, including that of the British Colonies.

Exercises in English composition designed to test purity and elegance of style.

4. Elements of constitutional and international law.

Elements of political economy.

5. Pure and mixed mathematics, not including the highest branches.

Accounts and book-keeping.

7. The subjects being thus defined, each candidate should be called upon to select three, and no more, of them in which he should be examined.

8. Mr. Labouchere is well aware that under the plan of examination here suggested, it may be a matter of some difficulty so to adjust the questions proposed in each examination, that the results, as shown by the marks assigned to each candidate in the separate examinations, shall be mutually comparable. He trusts, however, that with the assistance of the Commissioners' knowledge and experience, this difficulty may not be found of a serious nature.

9. In case the Commissioners should dissent from any portion of the modified scheme sketched out in the present letter, or if they should perceive any further improvement of which it is susceptible, he will feel thankful for any suggestions which they may offer before the plan is finally adopted.

10. With regard to the term of probation to be fixed before appointments to this office shall be finally confirmed, Mr. Labouchere's attention had not been called to the letter referred to by the Commissioners; he is, however, willing to assent to the period of six months being adopted in accordance with the views of Lord John Russell and those of the Commissioners.

11. In reply to your inquiry as to the limit of age at which candidates should be admitted, Mr. Labouchere has decided that candidates should be eligible between the ages of 18 and 25.

I am, &c.

(Signed) HERMAN MERIVALE.

(Copy.)

Mr. Maitland to Mr. Merivale.

SIR,

Civil Service Commission, 19th January 1856.

I am directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 17th instant, and to request you will inform Mr. Secretary Labouchere that the Commissioners, fully concurring in the propriety of the modifications which he has introduced into the scheme transmitted for his consideration, do not deem it necessary to avail themselves of the permission which he has given them to suggest further improvements.

In the enclosed papers, the subjects of examination are formally recapitulated, and, unless Mr. Secretary Labouchere's intentions have been in any way misconstrued, the scheme may be regarded as finally arranged.

I am, &c.

J. G. MAITLAND, Secretary.

Enclosure in preceding Letter.

COLONIAL OFFICE.

Scheme of Examination.

I. Preliminary Examination.

1. Exercises designed to test hand-writing and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. Geography.
4. Translation from one of the following languages, Greek, Latin, French, German, Spanish, and Italian; the selection being left to the candidate.
5. The preparation of a précis or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon each of these subjects will not be permitted to proceed further with their examinations and will not be entitled to certificates of qualification.

II. Final Examination.

1. Languages and literature of Greece and Rome.
2. Languages and literature of France, Germany, and Italy.
3. Modern history, including that of the British Colonies, with exercises designed to test purity and elegance of style.
4. Elements of constitutional and international law; with elements of political economy.
5. Pure and mixed mathematics, not including the highest branches, with accounts and book-keeping.

Of the five classes of subjects thus defined candidates are at liberty to select any number not exceeding three in which they desire to be examined.

COMMITTEE OF COUNCIL FOR EDUCATION.

Mr. Lingen to the Civil Service Commissioners.

9th July 1855.

COMMITTEE OF
COUNCIL FOR
EDUCATION.

(Extract.)

The Lord President desires me to say, that he thinks the offices of secretary, assistant-secretary, examiner, and inspector cannot with advantage be treated as necessarily subject to examination by your Commission, in those instances where the gentlemen appointed have either obtained high distinction at the universities, or have afforded other equivalent proof of fitness to administer such an education as is described in the first 105 pages of the volume of Minutes of the Committee of Council for 1854 and 1855.

The appointments to supplementary clerkships should, in his Lordship's opinion, always be subject to examination.

The type of the kind of men required is to be found in banks and in the offices of actuaries. The duties are specific and practical, and are found by experience to be much better discharged by men to whom they form a specialty than by men who, possessing perhaps more varied attainments, are less expert in copying, book-keeping, and arithmetic.

In order to define the points to which the examination of candidates for this class should be, if not confined, at least so far directed as that no failure in them shall be allowed to be otherwise compensated, I enclose a copy of a letter recently addressed to the principals of certain of the training schools under inspection, and in reply to which two out of the three candidates recommended were found, upon probation, to be exactly what was needed.

Extract from Letter enclosed.

The nature of the duties to be performed renders the following qualifications essential :

1. The handwriting must be rapid, neat, and of that even stroke which allows legible copies to be taken by pressing.
2. The clerk must understand the principles and practice of book-keeping.
3. He must be able to make abstracts and fair copies from rough notes in good grammatical English.
4. He must be an expert arithmetician, able to digest returns (under guidance) into summaries, and to calculate per-centages.

These are the bare mechanical details, without which the clerk could not (whatever his good will and general ability) render the precise services liable to be required from his class.

Beyond these details, the essential qualities are steady application, love of order, and a clear methodical head.

In proportion as a young man, educated according to the course of study now pursued in the training schools possessed these specific attainments and qualities, he would be valuable in this office ; and if you are able to name any young man, now, or formerly, a student in your college, not under 18, nor more than 25 years old, whom you think better qualified naturally to make a good clerk than a good schoolmaster, the Lord President would be happy to nominate him (on probation for one year) to a clerkship of the third class.

Mr. Lingen to Mr. Speddin .

(Copy.)

Committee of Council on Education,
Council Office, Downing Street,
London, 20th August 1855.

SIR,

ADVERTING to my letter of the 9th ult. respecting the establishment of the Education Committee, and more particularly to that part of it in which mention is made of the law stationers' clerks who, after being temporarily employed, have been promoted in several instances to appointments on the permanent staff, I am directed by the Lord President to state that he considers the extension of age agreed to in your letter of the 18th ult., with respect to appointments originating in communications antecedent to 9th July 1855, must be understood to apply to all the law stationers' clerks serving in this office before the last named date.

His Lordship intends to reduce the class of law stationers' clerks very considerably, by the substitution of permanent appointments ; but, in doing so, he wishes to be at liberty to confer a certain proportion of these appointments upon clerks of the class in question, whose good conduct points them out for such a reward, and whose efficiency and experience in the business of the office make them useful members of the service.

His Lordship thinks it better to treat appointments of this kind as original, and subject to examination, rather than as promotions, because such clerks, in their previous employment, have been the servants of the law stationer from whom they have been engaged, and not of the Committee of Council, so that, beyond the service actually performed by them in the office, nothing is known about their character, and the question still remains whether, in this respect, they are fitted to be permanent public servants.

It is also desirable that their qualifications should be formally tested to the extent of the scale fixed by my letter of 9 July 1855, inasmuch as their employment in the office may not, in all cases, have afforded full opportunity for such proof.

On the assumption that the proposal stated in this letter will meet with the concurrence of the Civil Service Commissioners, I am to request that you will move the Commissioners to cause Messrs.

to be examined as candidates for probationary appointment in the third class of supplementary clerks, in the education department, pursuant to my letter of the 9th ult.

The above named candidates are law stationers' clerks, who have been for some time employed in this department.

I have, &c.

(Signed) R. R. W. LINGEN.

Mr. Lingen to the Civil Service Commissioners.

Committee of Council on Education,
Council Office, Downing-street, London.

November 2, 1855.

GENTLEMEN,

ADVERTING to the interview which I have had the honour of having with your Board on the subject of the examinations to be held in pursuance of the circular from this department dated the 11th ult. (a copy of which, addressed to Dr. Booth, of Wandsworth, appears in the *Times* of the 13th ult), I have now the honour to enclose a copy of the circular which has just been addressed to the candidates and also a list of them.

On the subject of the list the Lord President desires me to offer the following explanations:—

1. You will observe that the list is divided into two parts. The first part comprises candidates exclusively taken from among the law stationers' clerks who have already been for longer or shorter periods employed in this office. You will find the position of this class of clerks explained generally in my letter to your Board of 20 August 1855; and, in pursuance of that letter, you have already examined Messrs.

for appointment. It has been agreed that in the case of this class the limitation of age is not to be insisted upon, but that in all other respects they are to be required to produce the same certificates as other candidates. So far as regards the present examination, the Lord President thinks that, *cæteris paribus* in the competition, a candidate from this class will be entitled to preference on the grounds that he has already afforded more or less proof of practical usefulness, and has been withdrawn from those opportunities of study which others may have been enjoying up to the date of the examination.

2. The candidates in the second part of the list have been selected from a much larger number of applicants. In several instances they have been seen at this office, having been recommended by gentlemen to whom the same circular as that to Dr. Booth was addressed; but in many other instances nothing more is known of the applicant excepting that the description given of him in the letter of application appeared promising. Such certificates (in few instances complete according to the Order in Council of 21 May 1855), as had been forwarded by the candidates to this office, were returned to them in the circular giving notice of the examination, and the Lord President wishes the fact of nomination in the enclosed list to weigh only so far, in determining the admissibility of any candidate, as that such candidate shall not be excluded without previous notice to the Lord President of such intention on the part of your Board. The Lord President will not, under any circumstances, fill up more than 10 clerkships on the present occasion, and he wishes this maximum number to be reduced in case it much exceeds the proportion of two-thirds of the competitors in the second examination, *e.g.*:—

If the number of competitors in second examination be	The number of clerkships to be filled up will in each case be
15 and upwards	10
14 "	10
13 "	9
12 "	8
11 "	8
10 "	7
9 "	6
8 "	6
7 "	5
6 "	4
5 "	3
4 "	2
3 or any lower number	1

As the subjects of the preliminary examinations are those which are indispensable for the service of this office in the class of clerkships now under consideration, and as excellence in those subjects is of daily and hourly use in the despatch of our business, the Lord President suggests that, in comparing the competitors in the second examination, the excess of marks obtained by one of them above another in the first examination should be counted; *e.g.*, if candidate A. obtains in the first examination 500 marks and in the second examination 400; while B. obtains in the first examination 450 marks and in the second examination also 450, the Lord President would prefer to appoint the clerk A.

I have, &c.

R. R. W. LINGEN.

Circular referred to in preceding Letter.

Mr. Lingen to Competitors for appointment on Probation, &c.

COMMITTEE OF
COUNCIL FOR
EDUCATION.

Committee of Council on Education.

Council Office, Downing Street, 1st November, 1855.

SIR,

In order that you may be examined as a competitor for appointment upon probation to a supplementary clerkship in this department, you must lodge the following certificates with the Civil Service Commissioners, viz. :—

1. Registry of baptism, or other certificate of age.
2. Medical certificate of health.
3. Testimonials of character and qualifications.

The office of the Civil Service Commissioners is at 4, Broad Sanctuary, Westminster (entrance under the archway leading into Dean's Yard).

The certificates must be lodged with the Commissioners on or before Thursday, the 8th of November.

In all cases where distance or other sufficient reason does not render personal attendance difficult, candidates should take their certificates to the office of the Commissioners in person, between the hours of 11 and 4, and *should wait at the same time for an interview.*

In cases where distance or other reasons renders personal attendance difficult, the certificates may be addressed to the Secretary of the Civil Service Commissioners, 4, Broad Sanctuary, Westminster, by post.

The examination will commence on Monday, the 12th of November, at 10 o'clock, at the office of the Commissioners.

This first examination, for the purpose of rejecting unqualified candidates, will terminate on Tuesday, the 13th, and the result will be announced at the office of the Commissioners on the following Friday morning. The unsuccessful candidates will be released thenceforth from further attendance.

The second examination (confined to the candidates who have passed the first), will commence on the same Friday, the 16th instant, and will terminate on the following Saturday; the result will be communicated to each of the competitors as soon afterwards as possible, and, in the meantime, they will not be required to remain longer in attendance.

The first examination will be conducted within the limits described in the annexed schedule marked (A.)

The standard of the second, or competitive examination, will be based upon the subjects which are popularly comprehended under the term "a good English education," such as English composition, mathematics, natural science, modern history, and geography. An equal number of marks (300) will be allotted as the maximum for each subject. Candidates may, at their discretion, confine themselves to one subject, or may attempt all; but those who afford proof of accurate knowledge in any one subject, will be preferred to such as exhibit more general but less solid information.

Candidates, whether they succeed or fail, must bear all expenses incurred by them in attending the examinations.

I have, &c.

(Signed) R. R. W. LINGEN.

Schedule (A.) referred to in the preceding Letter.

1. The hand-writing must be rapid, neat, and of that even stroke which allows legible copies to be taken by pressing.
2. The clerk must understand the principles and practice of book-keeping.
3. He must be able to make abstracts and fair copies from rough notes, in good grammatical English.
4. He must be an expert arithmetician, able to digest returns, under guidance, into summaries, and to calculate per-centages.

N.B.—Candidates must not be less than 18 nor more than 25 years old.

COPYHOLD ENCLOSURE AND TITHE COMMISSION.

Mr. Horace Mann.

(Extract.)

19th June 1855.

The system pursued at this office is, we presume, somewhat different from that adopted at other offices, all the mechanical work being done, not by clerks, but by those who are paid generally for that actually performed, after it has been checked. In some few cases, where the nature of the business is such that this mode of payment cannot be resorted to, the remuneration is according to the time occupied. Among the persons so engaged there are generally two or three distinguished for superior intelligence and ability, who would become fit for almost any clerk's place in the office.

It has been in our contemplation to promote to clerks' places, on the occurrence of any vacancies, those who have thus proved themselves particularly qualified for them.

COPYHOLD
ENCLOSURE
AND TITHE
COMMISSION.

CUSTOMS.

CUSTOMS.

Amended Rules with respect to Persons nominated to Offices in the Customs, No. 21/1853.

1. Persons nominated to out-door offices must have completed 21 years of age, and persons nominated to clerkships must have completed 16 years of age, before they can be admitted to the establishment; and no persons will be admitted thereto who may have attained the age of 30 years before the date of their nomination.

2. They must be free from debt, healthy and active, and without any bodily infirmity.

3. Persons nominated to be searchers, landing waiters, coast officers, and gaugers, and to clerkships, must be fully acquainted with the principal rules of arithmetic, and the first four rules of decimal and vulgar fractions, and be able to write a good clear hand, and write fluently from dictation without errors of orthography.

4. Upon their nomination they will be required to produce certificates of character, showing the course of life they have led, and a certificate of baptism or other satisfactory proof of their age, and they will be subjected to an examination as to their qualifications, as provided in rule 3.

5. No person will be admitted to the service who shall have been guilty of any offence against the revenue laws, or been dismissed from any other department of the public service.

6. Persons nominated as extra clerks must be 18 and under 40 years of age. They must produce certificates of age and character, and will be subject to examination in writing and arithmetic.

Extract from Treasury Letter, 12th December 1854, No. 139/1854.

The age for admission into the service of extra clerks, extra weighers, and extra tide-waiters, should be the same as for that of established clerks, weighers, and tidewaiters respectively.

Memorandum by Solicitor to Customs Department, received 17th July 1855.

A clerk [in the solicitor's office] should write a good hand, should have had a sound English education, be able to express himself grammatically, speak with distinctness and tolerable fluency, and possess sufficient natural talent to enable him to convey his ideas, both verbally and on paper, with clearness and precision, and which may readily be tested by a few exercises in composition.

Memorandum received from the Department of Customs, 17th July 1855.

For the situation of tidewaiter the person should possess good health, and not be defective in sight or hearing. He should be able to write plainly and spell tolerably well, and understand the first four rules of arithmetic, and the different weights and measures.

Mr. Gardner to Mr. Spedding.

(*Extract.*)

10 Aug. 1855.

With respect to clerks nominated to the solicitor's office, the Board direct me to observe that such persons only should be admitted as have received a somewhat superior education, and they propose that the same regulation should be observed with respect to persons nominated to be searchers and landing waiters. These officers have frequently to represent the department in their dealings with the public, and it is desirable that they should have such an amount of general knowledge as may qualify them for transacting business with the well-educated classes of the community on equal terms.

The Board suggest that weighers should be subjected to precisely the same examination as tidewaiters.

Mr. Spedding to Mr. Maclean.

SIR,

Civil Service Commission, 25th June 1855.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 21st inst., enclosing, among other documents, "a list of the original appointments which have been made to the Customs Department from the 21st May 1855 to the present time." It appears that there have been appointed during that period to situations in the port of London—5 clerks, 1 extra clerk, 2 gaugers, 4 tidewaiters, 2 weighers; and to situations in other ports of the United Kingdom—10 boatmen, 3 clerks, 2 extra clerks, 2 principal coast officers, 1 housekeeper, 2 searchers, 9 tidewaiters, 2 weighers; and that "some of the parties have already appeared, and, having undergone the usual preliminary examination, are now on probation."

Upon this I am directed to request that you will call the attention of the Commissioners of Her Majesty's Customs to the following passage in the Order in Council of 21st May 1855:—

"And it is hereby ordered that all such young men as may be proposed to be appointed to any junior situation in any department of the Civil Service shall, before they are admitted to probation, be examined by or under the directions of the said Commissioners, and shall receive from them a certificate of qualification for such situation."

And I am to add, that though the Civil Service Commissioners are not sufficiently informed as to the precise character of the situations above specified to determine in each case whether it comes properly under the description of a "junior situation" in the establishment of the Customs, they conceive that several of them must be considered as

belonging to the class indicated by the Order in Council, and therefore that in such cases the parties nominated will have to be examined by or under the directions of the Commissioners.

In all such cases, moreover, the Commissioners are required, before they grant their certificate of qualification, to ascertain—first, “that the candidate is within the limits of age prescribed in the department to which he desires to be admitted:”—secondly, that “he is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties:”—thirdly, that “his character is such as to qualify him for public employment:”—and, fourthly, that “he possesses the requisite knowledge and ability for the proper discharge of his official duties.”

In order, therefore, to provide for the immediate exigencies of the public service, they have made a temporary and provisional arrangement for the examination of such candidates for junior situations in the Civil Service as are able to attend personally at their office in London. They propose, first, to satisfy themselves with regard to the age of the candidate, for which purpose it will be necessary that they should be furnished, if possible, with a certificate of birth or baptism, or, where that cannot be obtained, some other sufficient evidence; next, with regard to the state of his health, for which they will require him to produce a certificate from some known medical man, stating that he is free from such physical defects as are described in the Order in Council, and also to submit, if necessary, to examination by a medical man of their own appointment; thirdly, with regard to his character, in which respect he must be able to produce certificates of general good conduct either from the head of the last school at which he was educated, or from the place where he was last employed, or from some other person properly qualified to speak to the fact.

The Commissioners will consider it their further duty to have each candidate examined by their own Examiner in the subjects indicated in the “outline of the preliminary examination” transmitted in your letter, upon receiving whose report, if considered satisfactory, they will be ready to grant the required certificate of qualification.

This course, however, can only be pursued in the case of those parties who are able to attend personally in London; and the Commissioners apprehend that their certificate is equally necessary for those who have been nominated since the 21st May to junior situations of the establishment in the out ports. They have had to consider, therefore, upon what evidence they may feel justified in certifying the qualifications of those who cannot, on the immediate exigency, be examined either by themselves or under their directions, and they have come to the conclusion that the documents and papers, upon the evidence of which the Commissioners of Her Majesty’s Customs have admitted such persons to probation, together with the report of the Examiners employed, should be transmitted to them for their inspection.

I am, therefore, to request that you will move the Board to cause those candidates who, being resident in London or the neighbourhood, require certificates of qualification from the Civil Service Commissioners, to be informed of the course which the Commissioners propose to adopt, and to attend at the office in Manchester Buildings on Wednesday next, at 4 o’clock, with such certificates as to age, health, and character as it may be in their power to obtain, and a day will then be appointed for their examination.

With respect to those who are at a distance, I am to request you will at the same time move the Board to cause the papers connected with their preliminary examination to be forwarded to the Commissioners for their inspection.

Upon some other questions which are suggested by your letter, they propose to address you in another communication.

I have, &c.

The Civil Service Commissioners to the Right Hon. Sir T. F. Fremantle, Bart.

Civil Service Commission,
10th December 1855.

SIR,

THE Order in Council of the 21st of May last having been six months in force, we have had the opportunity of seeing the operation of the various rules established by the heads of the several Government departments with respect to the examination of persons nominated to junior situations, and of observing the relative advantages and disadvantages of the respective arrangements made for this purpose.

We are anxious to profit by the experience thus acquired, and in concert with the proper authorities to reconsider the rules upon which we are at present acting, with a view to ascertain whether any modifications in them are necessary or desirable.

We propose, therefore, to place ourselves in communication with the heads of the several departments, to give them the fullest information as to the course adopted, both with respect to the candidates who have received certificates, and to those to whom we have been unable to grant them, and at the same time to enquire and ascertain whether any of those who have obtained certificates have failed on probation, and if so, whether from any deficiency in their qualification for the performance of their duties, and generally to offer and to invite suggestions for the improvement of the examinations.

We hope to have the benefit of personal communication with you, but in the meantime we think that it may be convenient to you to place before you in writing the following observations.

CUSTOMS.

On looking at the subjects required for the examination of persons appointed to the different junior situations in your department, we find three scales of examination.

The lowest applies to tidewaiters and weighers, and only embraces plain writing, tolerable spelling, and elementary arithmetic.

It is not difficult to ascertain whether a person examined satisfies the first of these requirements, but the second, being limited by the word "tolerable," is somewhat vague and embarrassing.

We do not feel certain whether the reason for requiring tolerable spelling is only to secure intelligible entries in the books kept by these officers, or also to ascertain that they have received some amount of education.

Even if it be for the first of these reasons only, we think that, having regard to the subjects to which their entries relate, something beyond tolerable spelling would be necessary, and we should be disposed to raise the standard of orthography in these cases by omitting the word "tolerable," were we not apprehensive that the requirement of correct orthography might exclude from these situations persons whose character and previous occupations might well fit them for the duties required of them. This is a point which we are desirous that you should consider.

With respect to arithmetic, the examination of the tidewaiters and weighers comprises only the first four rules of arithmetic, and weights and measures. We do not suggest its being carried further, and we are disposed only to include such weights and measures as these officers are likely to meet with in their ordinary duties.

With respect to the two higher scales of examination, applicable to candidates for junior situations in your department, we have to observe, that in comparing these requirements with those which have been laid down for junior situations in various other departments of the Civil Service, we perceive that, in many of these departments, the requirements are considerably higher than those in the Customs department.

The Inland Revenue department, which appears to resemble your own to a considerable extent, not only requires from candidates for all its junior situations (except Expectants of Excise), more or less proficiency in English composition (an accomplishment which appears to us absolutely necessary for a clerk in any public office), but also, as a test of general intelligence and education, some knowledge of geography and history.

We are disposed to recommend these higher tests to your consideration.

We think that it would be disadvantageous to the Customs department to be supplied with clerks and officers who are not competent to obtain similar situations in the Inland Revenue department.

As regards the higher class of your junior situations, namely, clerks in the solicitor's office, landing waiters, and searchers, who have frequently to represent the department in their dealings with the public, we think that the adoption of higher tests of qualification would be the most likely mode of giving effect to the desire expressed by your Board, "that these officers should have such an amount of knowledge as may qualify them for transacting business with the well educated classes of the community on equal terms, and that they should be able to express themselves grammatically, and possess sufficient natural talent to express themselves with clearness and precision."

We think, moreover, that in testing the general intelligence and education of a candidate, it may be expedient not to limit him to history and geography, but to give him the option of other alternative subjects, and we conceive that in this process we may be able hereafter advantageously to apply to a limited extent *vivâ voce* examination.

We conceive also, that with respect to all clerks, and especially permanent clerks, the standard of writing should be high. Their writing should not merely be legible, but such as would not be discreditable to the department, if entered on their records or sent to their correspondents. We cannot say that we have as yet been able to place the standard of writing as high as this, but we hope gradually to elevate it.

We should further wish you to consider whether there are any special subjects immediately connected with the duties of your clerks and officers with which it is desirable that candidates for junior situations should be well acquainted before entering upon their employment. We are, of course, not sufficiently informed as to the detail of those duties to be able to make any suggestions on this point, but if there be any such special subjects, we think that they should be introduced into the examination.

We offer these observations, in the hope that, on discussion with yourself personally, your experience may throw additional light on them, so that eventually the rules for the examination applicable to your department may be placed on a footing which shall be permanently satisfactory.

We have only to add, that early in the ensuing year we shall make a full report of our proceedings, which will set forth all the rules for examination in force for the several departments.*

We have, &c.

* No answer has yet been received to this communication.

DEEDS, REGISTRY OF, IN MIDDLESEX.

DEEDS, REGISTRY
OF, IN MIDDLESEX.*Mr. Rigge to Mr. Spedding.*

23rd July 1855.

(Extract.)

There has been no nomination to any situation in this office since the 21st of May in the present year.

ECCLESIASTICAL COMMISSION.

ECCLESIASTICAL
COMMISSION.*Mr. Chalk to Mr. Horace Mann.*

26th June 1855.

(Copy.)

I have the honour to acknowledge the receipt of your communication, which shall receive due attention.

EXCHEQUER.

EXCHEQUER.

Lord Monteagle of Brandon to the Civil Service Commissioners.

Exchequer, 29th June 1855.

The chief clerk of this department having brought under my consideration a letter from the Secretary of the Civil Service Commission, dated the 15th instant, in which the desire of the Commissioners is expressed that I should communicate to them the rules and arrangements in force at the Exchequer, respecting the four heads of enquiry set forth in Her Majesty's Order in Council of the 21st May 1855, for ascertaining (1) the age, (2) the physical powers and health, (3) the moral character, and (4) the intellectual acquirements and abilities of all persons proposed to be nominated to junior situations in the Civil Service; I have much pleasure in furnishing the information required.

In order to render this return useful, or even intelligible, it is necessary to explain certain peculiarities which apply to the Exchequer. The Comptroller General's Office was established in 1834, under the authority of the 4 & 5 Will. 4. c. 15., and is entrusted with the functions of the abolished offices of the auditor, the clerk of the pells, and the four tellers of the Exchequer. The persons employed in these six ancient offices, without including the subordinates (office-keeper, messenger, or watchman), were 53, at an annual expense of 40,489*l.* 14*s.* 4*d.*; the number now acting in the Exchequer is 13, and the annual charge is 6,800*l.* All the original appointments made to the Comptroller's office in 1834, with the single exception of that of the Comptroller General, were selected from the abolished Exchequer offices, after mature and deliberate investigation into the past official experience and services of the persons chosen. This investigation was conducted by the authority of the Treasury, and practically amounted to the most effective examination of the several parties on the four heads of enquiry set forth in the Order in Council, as qualifying them not only for the Civil Service generally, but for the special office of the Exchequer, in which they had been long and creditably employed, and with the duties of which they were familiar.

Since the first establishment of this department, there have been seven new appointments of clerks, three of which have been filled up by the selection of persons who had already been in the public service, and four were first appointments of juniors. All were selected by the Lords of the Treasury, but were only named on probation.

Of eight vacancies which have taken place, four occurred by death, one in consequence of a removal from office by reason of criminal acts, one clerk was reported as undeserving to be continued in the public service, a third as incompetent from insufficient education, and a fourth resigned his appointment. Two junior clerks are now serving on probation, and one of the junior clerkships was on my recommendation abolished.

Whether any special examination took place at the Treasury into the qualification of the three junior clerks receiving first appointments, I know not; but these nominations were all made subject to the regulations of this department, contained in the Treasury Minute of 19th September, 1834, which prescribe a probationary service of one year in every case.

In obedience to an order of the 30th March last, I have laid before the House of Commons a return explanatory of the system adopted in this department, which I here transcribe, as giving the fullest information of the present mode of proceeding in this department. It is as follows:—"All the officers and clerks of the department are nominated on probation by the Treasury, and are only confirmed and appointed, after a service of twelve months, on the certificate of the Comptroller General. These regulations are contained in the Treasury Minute of 19th September 1834, (laid before Parliament in the following session), which contains the following clause:—

"In case of future appointments of clerks in the Exchequer, my Lords desire that the party nominated shall be considered for the first year as on probation, and not to be confirmed without a report from the Comptroller General to this Board, stating that he is competent to discharge the duties of his situation with efficiency, and likely to become, after sufficient experience, capable of executing the duties of the higher situations in the

EXCHEQUER.

office. My Lords are also of opinion that, as vacancies may occur in the situations of chief clerk and accountant, no claim arising from seniority should be attended to, but *the most competent person should be appointed.*

“ ‘The mode in which the Comptroller General ascertains the qualifications of the probationary clerk, before recommending him for confirmation, will be best shown by the following extract from the Exchequer Minute, 20th July 1842, made on the first appointment of a new junior clerk.

“ ‘In order to enable the Comptroller General to exercise with effect the authority entrusted to him by the Treasury, and to ascertain whether, at the end of twelve months, he will be justified in making to the Treasury such a report as may admit of the confirmation of the probationary clerk, it is fitting that the latter should pass through every branch of the department, so as to acquire a knowledge of the business of each. He will therefore remain in the room over which Mr. Woodfall will preside till 1st January; from that date till the 1st April he will be employed under Mr. Ottey; and from 1st April to 1st July, in the Exchequer Bill office. The Comptroller General will expect to receive from Mr. Woodfall, Mr. Ottey, and Mr. Chisholm, at the expiration of the several terms of service, a certificate describing the manner in which Mr. Tucker's services have been performed. These certificates will be passed through the hands of the chief clerk, who shall also add his observations on the general conduct, punctuality of attendance, and strict obedience to the regulations of the office, manifested by Mr. Tucker during his probationary year. These certificates will afford to the Comptroller General the means of making his report to the Treasury, on which the confirmation of Mr. Tucker's appointment will depend.

“ ‘The Comptroller General calls the special attention of the gentlemen of the department to that part of the Treasury letter which announces that in future the office of senior clerk, like the office of chief clerk and accountant, shall be filled up by the selection of the fittest person for the discharge of his important duties without regard to mere seniority.

“ ‘Even in respect to the less responsible situations, the gentlemen of the Exchequer are not to consider their succession on vacancies to be matter of course, it being the desire of the Treasury that the Comptroller General shall recommend such transfers from the several branches of the office as shall most conduce to the advantage of the public service, due regard being had to the qualifications and conduct of the candidates for promotion. This power shall never be exercised capriciously or partially, but in every case the character and conduct of the gentlemen of the office shall be considered, with a view to what justice to them as well as justice to the public requires.

“ ‘The Comptroller General will consider the chief clerk to be responsible to him for the regularity and discipline of the entire office, in every one of its branches, communicating his directions to every gentleman of the establishment, and enforcing a strict adherence to all the rules and regulations.

“ ‘In respect to the various accounts, returns, credits, or other documents prepared in the several rooms, the Comptroller General directs that before any of these are passed to Mr. Bulley, or submitted for the Comptroller General's signature, their strict accuracy should be vouched by the initials of the head of the several branches, that is, by the first accountant, by Mr. Woodfall, or by the senior clerk, or during their vacation by the gentlemen officiating in their room.

“ ‘In each department, however distinct may be the ordinary duty, every gentleman will hold himself liable to be transferred to any other part of the office whenever the public service may so require, and the whole of the official time of each clerk may thus be held to be subject to any orders which circumstances may demand.

“ ‘The Comptroller General would very much regret if these orders should raise any inference that he mistrusts the zeal, ability, or regularity of the gentlemen of the department. To their qualifications and to their services he has been happy more than once to bear a willing testimony, but on the alterations in the department rendered necessary by the removal of the delinquent Beaumont Smith, he thinks it necessary to repeat and to enforce his former regulations, sanctioned as they now are by the authority of the Lords of the Treasury.

“ ‘Let this minute be communicated by the chief clerk to the gentlemen of the office.’

“ ‘During the time of probation, the instructions given by the Comptroller General to the probationary clerk and to the officers under whom he is placed are, that every care should be taken that the business to be executed by the probationer should be understood as well as performed, by which means mechanical are raised into intellectual functions, and what might be forgotten or imperfectly understood as abstract regulations, become clear and intelligible when considered in reference to their practicable application to business.

“ ‘The probationer has to pass from three to four months during his probation in each of the sub-departments of the office, under the immediate observation of the intelligent and experienced senior clerks, who have served for the terms of 31, 30, 27, and 28 years respectively. From each of these well qualified gentlemen a written certificate is required, not only of the correct conduct of the probationer, but of his proved competency to execute the duties of a junior clerk. In addition to this, which amounts to a practical and continued examination of three or four months in each sub-department, or a continued examination during the entire year, the chief clerk, Mr. Ottey, who has served in the Exchequer 44 years, is required to certify his opinion of the general character, the punctual attendance, and the official and personal conduct of the probationer. Should any of these certificates

appear dubious or insufficient, they are sent back for further report, and personal inquiries are made on the subject by the Comptroller-General before he reports finally to the Treasury in favour of the confirmation of the probationer, and the probationer is also requested and encouraged at all times to apply to the Comptroller General in person should any case arise requiring explanation or assistance from him. It should be borne in mind, that throughout this probation and continued trial and examination, the parties having to judge and certify are in no instance the persons who recommend or appoint the probationer, and that it remains uncertain in what department the junior clerk, when confirmed, may be finally placed; each senior clerk so certifying has a direct motive in securing the services of an able officer, who shall lighten his labour and share his responsibility; as all appointments to the senior offices are made questions of selection and not of seniority, mutual motives to exertion exist throughout. Hitherto the Treasury has accepted the recommendation of the Comptroller General in relation to these senior promotions. As the Comptroller General has not selected any of these clerks on their first admission, he can have no partialities or preferences, and the necessity of providing for the due discharge of the duties of the department and for the accuracy of every order or warrant issued, would in itself, on selfish, if on no higher grounds, compel the Comptroller General and all of his senior clerks to execute their functions with undeviating care and attention, and enforce the selection of junior clerks, as well as the just promotion of their superiors. The result of the system is satisfactory."

This extract, I hope, will meet the desire of the Commissioners, by bringing before them "the rules and arrangements which exist in Her Majesty's Exchequer in respect to the "appointment of young men to junior situations"; and here I might close, but for the desire expressed by the Commissioners, that I should submit to them any further suggestions on the subject which I might think it necessary to offer.

I shall proceed to do so.

With the rules which the Lords of the Treasury, or the Commissioners acting under the Order in Council of the 21st of May 1855, may think it desirable to establish on the first and second points, it can hardly be necessary to make any observations. These rules, relating only to age and physical fitness, must, I presume, be obligatory on the whole Civil Service, and what the Commissioners think it expedient to adopt in one case, may be presumed to be equally applicable in others; I should, however, consider it expedient, that copies of all certificates, or documentary evidence on these subjects, on which the Commissioners may found their certificates, should be laid before the head of the department to which each probationer may be recommended, for the first time, and should remain recorded in that department. At the Exchequer, no rule exists fixing the age of a probationer; this deficiency should be supplied, and I should be inclined to fix the age from 17 to 20, for a first appointment at the Exchequer.

The evidence respecting the character of the probationer is more difficult to define. It may be very difficult to procure evidence in respect to young men, between the ages of 17 and 20, which shall at once be founded on the requisite knowledge of character, and yet be free from family bias: ministers of religion, instructors of youth, and in some cases, magistrates may best be called on for such purposes. But such certificates should uniformly be given from a personal knowledge of a stated number of years. To ensure by publicity a real responsibility, copies of these certificates should accompany the instrument of appointment transmitted in the manner already recommended, in reply to questions 1 and 2, and should remain recorded in the department.

From the wording of the fourth question, namely, "whether the candidate possesses the "requisite knowledge and ability for the proper discharge of his official duties," some ambiguity exists. It is not clearly stated, whether the object sought is to ascertain a *general fitness* for the Civil Service by the acquisition of that elementary knowledge which a well educated young man of 17 or 20 may be expected to possess, or, whether it is intended to include that *special knowledge* required to fit the candidate for a particular department. I shall first reason on the hypothesis, that the former is the intention of the Commissioners, and that what is proposed, is a species of matriculation, tending rather to exclude candidates who do not possess the necessary qualifications than to designate absolutely the candidate considered best fitted to fill any particular vacancy. On this supposition, I most earnestly recommend that evidence should be required from the candidate of his having submitted to, and having had the advantage of the discipline and systematic instruction of some place or establishment of sound education, and that on this basis the examination should rest. Without proof of the actual course of education, a mere examination will, I am convinced, be inadequate if not wholly illusory.

It is not mere acquirement which it is to be sought so much as intellectual capacity, and the power of using and applying knowledge. Certificates of proficiency and of regular and creditable study given by the teachers or instructors, and for the truth of which they must be considered as responsible, should be required from the candidates, and these certificates should not only state the length of time to which they refer, but the heads of knowledge to which the probationer has applied his attention. The Commissioners' certificate should in like manner designate the subjects on which the probationer has shown himself to be well qualified, and copies of both should be furnished to the public office to which the probationer is appointed, and should be there recorded.

In respect to the second supposition, namely, an enquiry, not only into the general qualifications, but into the special fitness of a candidate for appointment to a particular

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department, that investigation assumes the possession of a greater amount of special knowledge, than may be expected either from the candidate or the examiners. The best test will unquestionably be found in his conduct during the year of probation, and in its results, if the heads of departments having to report on the conduct and the qualifications of the probationer will do so with the firmness and undeviating impartiality which a sense of their duty to the public requires.

This result will, I believe, be attainable with but few exceptions, if the certificate be given in writing, setting forth the grounds on which a favourable certificate is founded, and bearing the signature of the head of the office, whose duty it is to furnish it. Punctuality of attendance, obedience to authority, discretion, and moral conduct, should make a leading part of this certificate, which ought to be preserved, and recorded in each department, in order to ensure a lasting and efficient responsibility.

These observations seem to me to refer not only to this office, but to all others of the same class. Having myself served in the Home Office as Under Secretary, as Financial Secretary to the Treasury, as Secretary of State for the Colonies, and as Chancellor of the Exchequer, I entertain no doubt but that what I have termed a matriculation, carried out as I have suggested, would be highly useful in all these departments, provided it were expressly confined to the purpose of excluding any candidates found to be unfitted for Civil Service appointments, and if it were not applied to the impracticable attempt of selecting the parties to be appointed by the insufficient test of a competitive examination.

The Commissioners may further wish to know the nature of the instruction and acquirements which, it appears to me, would be desirable to seek in a probationer admitted to this office. The best guide which can be consulted, in order to supply this information, will be found in a consideration of the duties of the department itself, which, though including much that does not come within the province of a junior clerk, points out the subjects towards which his attention should be called, and which he should be placed in a condition to understand and to study. As an office of account, the documents of the Exchequer are made records by Act of Parliament, and consequently their perfect accuracy is a matter of the first necessity. The business must also be executed with great despatch, there being very few instances indeed in which the business of each day is not completed within the day itself, and many important functions, required to be completed at an early hour before the opening of the office on the following morning, are performed, and the necessary instruments prepared, registered, signed, on the evening previous, and locked up in despatch boxes for delivery. For these duties clear, accurate, and rapid penmanship, both in copying and writing from dictation, are indispensable; a familiar knowledge of arithmetic, not only in its simpler elementary rules, but including vulgar and decimal fractions, practice, interest, discount, and the purchase of stock, and exchange, and the computations of life annuities, and annuities for terms of years, is required. If to this were likewise added a familiarity with the use of logarithms, and with the first part of algebra, at least so far as a knowledge of simple equations, it would be desirable, though not indispensable. The power to make a correct abstract of an official document, such as a Treasury minute, or an analysis of an Act of Parliament regulating Exchequer proceedings (4 & 5 Will. 4. c. 15. *ex gratiâ*), or the précis of a particular case, would furnish materials for such an exercise. An acquaintance with the principles of book-keeping the power of writing an intelligible and correct letter from a given minute of instruction, or in reply to a letter placed in the probationer's hands, are obviously necessary. These qualifications would be required for a satisfactory performance of the duty of preparing the several official forms for receipt and payment, for recording the documents executed, and making the required returns to the Treasury, to the auditors, and to Parliament.

The preparation and completion of Exchequer bills is another important branch of duty, commencing from the order for making the paper, striking off the impressions, numbering, sealing, attesting, recording these bills, till the bills are delivered up to the paymasters, every one stage of which process is executed under Exchequer supervision, and is so recorded as to preserve evidence of the responsibility of every party engaged, from the Comptroller General to the Exchequer messenger. These functions demand accuracy, precision, and some degree of mechanical dexterity and neatness. A single blot on one book of Exchequer bills, might throw the whole exchange operations of many millions into confusion. Though the regulations made by the Comptroller General, with the approval of the Treasury, are so complete as, in my judgment, to protect the public from fraud or peculation, there must still remain duties connected with the mere manipulation of public securities payable to bearer, and of the value of many millions, which require integrity and trust-worthiness, and in the execution of these duties a junior clerk should be prepared and competent to assist.

The highest functions of the Exchequer are, however, those of control, which require and authorize the executive officer, at his own unrestrained discretion, to suspend any issue, though directed by a sign manual warrant, in cases which he considers to be contrary to law. These powers can only be executed by the Comptroller General in person, or in his absence by the Assistant Comptroller, but to the exercise of these functions and to the principles on which they rest the attention of the clerk should be directed, as well as to the accurate transcription and record of the correspondence, warrants, and other documents relating to such cases. No person should be appointed as a junior clerk who does not afford the promise of being able to execute higher duties which may be at times assigned to him, more especially when executing the functions of his immediate superior officer, absent on

leave, or for his vacation. He should be able to distinguish any deviation from the accustomed usages and the statutable forms, so as to call the attention of the department to any proceeding which is not fully sanctioned by rule and precedent. He should be prepared, when acting as the head of any one of the three departments, to call the attention of the chief clerk, and through him to call the attention of the Comptroller General or Assistant Comptroller, to the case as one requiring immediate instruction. He is also to take care that in putting his initials of authentication to any accounts or drafts prepared for signature that this duty is performed, not as an idle formality, but as affording true evidence of an accomplished fact.

It is also right to state, that at times communications are made to the Exchequer from other departments which may require to be dealt with confidentially, and with strict official reserve. That honourable principle of duty which restrains the members of the British Civil Service from disclosing facts confided to them officially, is one of the qualifications which, as far as is possible, should be secured in all who are appointed to public offices, and no individual should be named in whose antecedent life or conduct there was reason to suspect any absence of these qualifications. Discretion, zeal, public honour, and private integrity are all indispensable requisites not to be tested by mere examinations, and not necessarily or uniformly concurrent and connected with intellectual knowledge. They must, however, be examined into and placed on record by the heads of departments before the probationer is placed as a clerk on the establishment. They should be attended to still more closely in departments where, as in the Exchequer, the nomination to the head of each class is made to depend, not merely upon seniority, but on merit and services.

Seniority is absolutely required to be adhered to, *up to a given point*, unless the public are prepared to make much more liberal allowances to their civil servants than are now paid; but to make the appointments of clerks to the headships of classes dependent on any test but that of merit shown by service, is to deprive the Civil Service of its due efficiency, and public servants of their just reward. This is provided for by the constitution of the Exchequer; and on the maintenance of that principle, and on its just exercise, will depend the successful action of the department. Without this, as well as without caution in sanctioning the confirmation of probationers, the most careful examination, by the most able and competent men, will end in disappointment and failure.

(Signed) MONTEAGLE, Comptroller-General.

Lord Monteagle to the Civil Service Commissioners.

GENTLEMEN,

Exchequer, 16th February 1856.

I HAVE the honour to inform you, that by a letter from the Right Hon. W. S. Hayter; Secretary of the Treasury, the bearer of this communication, has been appointed as a probationary clerk to this office in the room of dismissed at the expiration of his probationary year, my approval having been withheld.

Referring to my memorandum on the subjects of examination, &c., of persons receiving first appointments in this office, dated 29th June 1855, which has been laid before you, I beg leave to recommend that the limitation of age at the Exchequer should be the same adopted in other similar departments of the Civil Service, namely, from 17 to 25, with a power to the Treasury, where a vacancy is filled up by an officer transferred from another department, to extend the maximum age to 30, provided the probationer had originally been appointed to the first office between the ages of 17 and 25.

The subjects on which I consider a probationary clerk should be examined with a view to his admission are as follows:—

1. Accurate and rapid penmanship, as evinced in copying and writing from dictation.
2. A familiar knowledge of arithmetic, not only in its simple and more elementary rules, but including vulgar and decimal fractions and practice.
3. The power to make a correct abstract of an official document, such as an ordinary Treasury minute.
4. An acquaintance with the principles of book-keeping.
5. The power of writing an intelligible letter from a minute of instructions, or in reply to a letter placed in the probationer's hands.

The proposed abstract of an act of Parliament, computations of interest, discount, value of stock, annuities for years or terms of years, and the first part of algebra, may be reserved for examination at the close of the year of probation, but before making my final report to the Treasury.

I have, &c.

(Signed) MONTEAGLE, Comptroller-General.

FACTORIES (INSPECTORS OF).

Mr. Waddington to the Civil Service Commissioners.

GENTLEMEN,

Whitehall, 24th December 1855.

I AM directed by Secretary Sir George Grey to transmit to you the enclosed copy of a letter from the inspectors of factories, stating the qualifications which they think it desirable that sub-inspectors of factories should possess, and to request that the examination of candidates for the office of sub-inspector of factories may be conducted in accordance therewith.

I am, &c.

(Signed) H. WADDINGTON.

INSPECTORS of
FACTORIES.

INSPECTORS OF
FACORIES.*The Inspectors of Factories to Sir G. Grey.*Factory Inspectors' Office,
21st December 1855.

SIR,

IN reply to Mr. Waddington's letter of the 20th instant, on the subject of the examination of candidates for the office of sub-inspector of factories, we beg to state, that in our opinion no special qualifications are required for this office which would call for an examination on any special subject; on the contrary, we have found by experience that persons who are already familiar with the factory system, as while owners, &c., have made the worst sub-inspectors. But we think it most desirable that the examination should be such as to ensure in the candidate the possession of that good general information which is the result of a liberal education, and that knowledge of the world which a gentleman seeking an appointment requiring tact and discretion ought to possess.

The candidate should, in our opinion, be between 25 and 40 years of age, should possess active habits and should not be near-sighted.

The confidential nature of the office will, perhaps, be better understood from the following instructions of Lord John Russell.

"Lord John Russell also thinks that it will be expedient that the superintendents (now sub-inspectors) should be cautioned against making any communication whatever, public or private, of any matter coming to their knowledge from the inquisitorial nature of their office, such as the extent of the works, the numbers of workpeople employed from time to time, the nature of the work carried on, the sort of machinery used, &c., &c., except in the course of their official duty in administering the Act, or when required by the inspector of the district."

We have, &c.

(Signed) LEONARD HORNER.
T. JONES HOWELL.
J. KINCAID.
ALEX. REDGRAVE.

*Mr Maitland to Mr. Waddington.*Civil Service Commission,
28th December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 24th instant, enclosing a copy of a communication addressed to Secretary Sir George Grey, by the inspectors of factories, and requesting that the examination of candidates for the office of sub-inspector of factories may be conducted in accordance therewith.

In reply, I am to acquaint you, for the information of Secretary Sir George Grey, that the Commissioners will be prepared to undertake the conduct of the examination in question, but they conceive it desirable that they should previously be furnished with information more definite than they at present possess, as to the subjects in which it will be expedient that candidates should be examined.

The inspectors of factories, after stating in their letter that they do not wish to introduce any *special* subject, proceed thus: "But we think it most desirable that the examination should be such as to ensure in the candidate the possession of that good general information which is the result of a liberal education, and that knowledge of the world which a gentleman seeking an appointment requiring tact and discretion ought to possess."

The terms here employed, though explaining with sufficient clearness the objects contemplated, do not indicate any particular subject in which proficiency should be required. And unless it should be the wish of Secretary Sir George Grey that the Commissioners should themselves propose a scheme of examination, or should enter into communication with the inspectors of factories on the subject, they will await such intimation of his wishes as he may be disposed to address to them. The papers which I am directed to enclose, will show the subjects of examination as at present arranged with two important departments, and may perhaps furnish assistance in the preparation of a scheme to be settled in accordance with the provisions of the Order in Council, with the assistance of the Commissioners, according to the discretion of the chief authorities of the department.

I have, &c.

*The Inspectors of Factories to Mr. Maitland.*Factory Inspectors' Office,
2d January 1856.

GENTLEMEN,

WE enclose a copy of a letter in which Secretary Sir George Grey directs us to put ourselves in communication with you on the subject of the examination of candidates for the office of sub-inspector of factories.

With reference to the duties of this office we would observe that, as has been stated in our letter to Sir George Grey upon this subject, we think that, from the responsible nature of the office, no person under 25 years of age should be appointed to it; the qualifications therefore should be of a higher order than would be required of a youthful candidate for a junior clerkship. We would therefore recommend that, in addition to any examination you may institute, the candidate should be required to make a digest or précis of a

lengthened correspondence, and, in order to show that his reasoning powers have been well cultivated, that he should write an essay upon some subject of public interest, *e. g.* as more intimately connected with the office he seeks, the reasons by which the restrictions on the hours of labour of adult women are to be defended.

We think it desirable that the officers should have sufficient intellectual power to make himself readily master of the history of the factory system, its rise and progress, and the abuses which accompanied it; by whom and when these were brought to light, viz., by the first Sir Robert Peel, who introduced and passed the first Factory Act in 1802 (42 Geo. 3. c. 73.); by the Report of the Commons Committee in 1816, of which the same Sir Robert Peel was chairman; by the Report of the Lords Committee in 1818; by that of the Commons Committee, of which the late M. T. Sadler was chairman, in 1832; by the Reports of the Factory Commissioners in 1833 and 1834, and by the Report of the Commons Committee of 1840, of which the present Lord Shaftesbury was chairman; and it will be his duty to explain and apply the remedies that are provided by the Legislature for those abuses, viz., by the 3 & 4 Will. 4. c. 103., the 7 Vict. c. 15., the 13 & 14 Vict. c. 54., and the 16 & 17 Vict. c. 104., because the duty of a sub-inspector is to enforce the provisions of those statutes.

He will be required to make himself generally acquainted with the mode of proceeding in cases of summary jurisdiction before justices of the peace, as he would have to lay and support informations before magistrates in petty sessions for offences against the Factory Laws which he may discover.

Our colleague, Mr. Horner, is out of town, but we believe we have herein expressed his sentiments as well as our own.

We have, &c.
(Signed) T. JONES HOWELL.
J. KINCAID.
ALEXANDER REDGRAVE.

Mr. Maitland to the Inspectors of Factories.

GENTLEMEN,

Civil Service Commission, 3rd January 1856.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of yesterday's date, relative to the examination of candidates for the office of sub-inspector of factories.

(1.) In reply, I am to state in the first place, that the Commissioners will, in accordance with your suggestion, regard 25 as the inferior limit of age. As no maximum is proposed in your letter, the Commissioners will await on this point a further communication.

(2.) With regard to the physical qualifications of the candidate, due attention will be paid to the observations contained in your letter of the 21st ultimo, addressed to Secretary Sir George Grey, and by his direction transmitted to the Commissioners.

(3.) With reference to the subjects of examination, I am to observe that the definite suggestions contained in your communication appear to be two in number; (1), "that the candidate should be required to make a digest or précis of a lengthened correspondence, and (2), that he should write an essay upon some subject of public interest, *ex. gr.* as more intimately connected with the office he seeks, the reason by which the restrictions on the hours of labour of adult women are to be defended.

"These exercises are proposed in addition to any examination which the Commissioners may institute."

And it is also deemed desirable that the candidate should have "sufficient intellectual power to make himself readily master of the factory system."

He will moreover, it is stated, be required "to make himself generally acquainted with the mode of proceeding in cases of summary jurisdiction before justices of the peace."

(4.) Having given their best consideration to these suggestions, and taking into account the responsible character of the situation in question, the Commissioners conceive that they will meet your wishes, and at the same time promote the efficiency of the public service, by proposing a scheme of examination calculated to test not only the accomplishments which may be regarded as in all cases essential, but also some of those attainments of a higher order, which may reasonably be expected from candidates who have received a liberal education.

To the latter class it may be well in the present case to add an acquaintance with that portion of the law which the candidate, if successful, will be required to aid in carrying into effect.

(5.) With these views, the annexed draft scheme of examination has been prepared. To any modification which you may be disposed to suggest, the Commissioners will be happy to give their best consideration.

I have, &c.

Enclosure referred to in preceding Letter.

HOME DEPARTMENT.

Sub-Inspectors of Factories.

Draft Scheme of Examination.

1. Exercises designed to test hand-writing and orthography.
2. Arithmetic, including vulgar and decimal fractions
3. Latin, or one modern foreign language.
4. English history.
5. Geography.

INSPECTORS OF
FACORIES.

6. The preparation of a précis or abstract of official papers.
7. The elements of political economy.
8. English composition.
9. Those portions of the law of England which define the powers and duties of a sub-inspector of factories, and the law and practice of summary convictions.

Candidates failing to satisfy the Civil Service Commissioners as to each of the above-named subjects, will not be entitled to certificates of qualification.

The Inspectors of Factories to the Civil Service Commissioners.

GENTLEMEN, Factory Inspectors' Office, 8th January 1856.

WE have to acknowledge the receipt of your letter of the 3d instant, enclosing the draft of a scheme of examination for candidates for the office of sub-inspector of factories.

With regard to the maximum age for qualification, we are disposed to consider 40 years (as stated in our letter to Sir George Grey) as the limit in this respect, inasmuch as the duties of the office require the possession of activity and vigour of body.

We have considered the subjects in which you propose candidates to be examined, and we think that such an examination is calculated to secure for the public the services of highly qualified gentlemen; but we suggest a slight modification in one of the subjects, which, however, unless invited by your letter to offer suggestions, we should have accepted as they stand.

In our letter of the 2d instant we suggested that the candidate should possess higher qualifications than those required from a youthful candidate for a junior clerkship, and therefore suggested that the inferior limit of age should be 25, and as an instance of the kind of qualification which we considered a candidate should possess, we mentioned various subjects with which it should be advisable for him to become acquainted hereafter, and the nature of some of the duties which he must be able to comprehend readily. But we do not conceive it to be absolutely indispensable that the candidate should have a previous knowledge of the Factory Acts or of the law of summary proceedings, as involved in question No. 9, because an examination upon this subject might have the effect of restricting the choice of candidates to those gentlemen who have been educated for the legal profession.

Subject to the proposed modification, we are of opinion that the qualifications required by the scheme of examination drafted by you, ought to be possessed by any gentleman who fills the office of sub-inspector of factories.

We have, &c.

(Signed) LEONARD HORNER,
T. JONES HOWELL,
J. KINCAID,
ALEXANDER REDGRAVE.

The Civil Service Commissioners,
&c. &c. &c.

Mr. Maitland to the Inspectors of Factories.

GENTLEMEN, Civil Service Commission, 9th January, 1856.

IN reply to your letter of yesterday's date, I am directed by the Civil Service Commissioners to acquaint you that they fully concur in your opinion as to the desirableness of excluding, from the list of prescribed subjects, the portion of English law specified in the draft scheme of examination which accompanied my letter of the 3d instant. The subject in question was there inserted under an impression produced by your former letter, that you were disposed to regard an acquaintance with it as indispensably necessary before entrance on official duties; but finding this not to be the case, the Commissioners would regret the introduction of a requisition which might, as you observe, "have the effect of" restricting the choice of candidates to those gentlemen who have been educated for "the legal profession."

I have therefore the honour to enclose a scheme of examination, which varies from the draft before sent only in the omission of the last requisition, and which may be regarded as finally arranged between yourselves and the Commissioners.

I have, &c.

Enclosure referred to in preceding Letter.

HOME DEPARTMENT.

Sub-Inspectors of Factories.

Scheme of Examination.

1. Exercise designed to test hand-writing and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. Latin, or one modern foreign language.
4. English History.
5. Geography.
6. The preparation of a précis or abstract of Official Papers.
7. The elements of Political Economy.
8. English composition.

Candidates failing to satisfy the Civil Service Commissioners as to each of the above-named subjects, will not be entitled to a certificate of qualification.

FOREIGN OFFICE.

FOREIGN OFFICE.

*Mr. Hammond to Mr. Horace Mann.**(Extract.)*

June 25, 1855.

1st. If a rule as to age at the time of admission is to be laid down, it will be necessary to take into consideration the circumstance whether the family of the candidate resides in town or not, for it is not desirable that a young man under 20 years of age should be appointed to a clerkship in the Foreign Office without his family having a house in the metropolis.

2ndly. The labour required of the Foreign Office clerks is great, the attendance long, and the hours late and uncertain. All these considerations therefore must be borne in mind in considering the physical qualities of a candidate.

3rdly. The nature of the employment of Clerks in the Foreign Office is wholly confidential; consequently it is of the utmost importance that in the selection of candidates attention should be paid to circumstances from which a reasonable assurance may be obtained that they possess a high sense of honour. The Foreign Office requires of the clerks great sacrifices of time, of comfort, and of amusement, and that they should take such an interest in the office as to consider its credit and reputation as their own. Such a feeling is the mainstay of the Foreign Office, and no person, however great his talents, would be useful or acceptable to the office without it. Consequently the probability that the character of the candidate will correspond with this all-important requirement ought to form a very material element for deciding upon his fitness.

4thly. A candidate should be able to write a good bold hand, to write quickly and correctly either English or French from dictation, to understand French well, and to be able to make an accurate and good translation from any French paper, and also to make a correct and clear précis or abstract of any set of papers placed in his hands.

Mr. Hammond to Mr. Maitland.

SIR,

Foreign Office, 17th December 1855.

I AM directed by the Earl of Clarendon to request you will acquaint the Civil Service Commissioners, with reference to my letter of the 25th of June last, that his Lordship is desirous of applying the principle of previous examination, now adopted with regard to persons appointed to clerkships in the Foreign Office, to other persons who may be appointed to diplomatic or consular situations under the Foreign Office.

The acquirements which Lord Clarendon conceives should be possessed by persons to be appointed to such situations, differ in nature and degree from those which his Lordship considers sufficient for a person appointed to a clerkship; and while requesting you to convey to the Commissioners his Lordship's wish that they should undertake to ascertain, by examination, the fitness of candidates for the diplomatic and consular services, I am to explain to you the several points to which his Lordship considers the examination should be directed and confined.

As regards the diplomatic service, Lord Clarendon, as at present advised, proposes that candidates should satisfy the Commissioners,—

1st. That they can write a good bold hand, with distinctly formed letters.

2ndly. That they can write English and French quickly and correctly from dictation.

3rdly. That they understand French well, can make an accurate and good translation of any French paper into English and of any English paper into French, and can speak French with tolerable ease and correctness.

4thly. That they can make an accurate and good translation into English of a paper written either in German, Latin, Spanish, or Italian.

5thly. That they have a general knowledge of geography.

6thly. That they can make a clear and correct précis or abstract, in the form of a narrative, of any collection of papers placed in their hands.

7thly. That they have a general knowledge of modern history since the year 1789, and especially of the history of the country to which they are about to proceed, as regards its internal constitution and its relation to other powers.

With respect to this last head of examination, Lord Clarendon conceives that some text book should be settled beforehand, out of which candidates should be examined; and his Lordship would be obliged to the Commissioners, if they would suggest any such book, in order that it may be specified on promulgating the regulations.

Lord Clarendon considers that the qualifications of candidates for first admission into the diplomatic service would be sufficiently tested by an examination in the several matters above specified.

But his Lordship proposes to carry still further the system of examination, and to subject all persons, on their advancement from the post of unpaid to that of paid attaché, to a further examination, which they would be required to pass, if in England at the time of their promotion, or within one month after their arrival in England, before they are confirmed in their new office.

In this second examination, candidates would also be required to satisfy the Commissioners that they have a speaking and a writing knowledge of the languages of the several countries in which they have resided since their first appointment in the service; but in conducting these examinations it will be right, in regard to languages, to bear in mind the

FOREIGN OFFICE.

length of time during which candidates may have resided in the several countries, and also the comparative difficulty of acquiring the languages of such countries. Lord Clarendon would not except Russian, Turkish, Persian, and modern Greek from the list of languages to which a candidate who may have resided in the countries where they are spoken should be expected to have turned his attention, though he considers that much forbearance would be required in dealing with languages which (especially the first three) are so hard to be acquired.

Moreover, Lord Clarendon is of opinion that if a candidate who may be examined on promotion should have resided only in France or in the United States, he should be required to satisfy the examiners of his proficiency in one other language besides French. Furthermore, the candidates, on being examined on promotion, should be required to draw up a report on the general, commercial, and political relations of the several countries in which they may have resided; on their internal polity, their administrative and social institutions, and the character of the people. These reports, however, must not refer to current political affairs; and in order to prevent any inconvenience on this head, the candidates will be required to transmit their reports through the Foreign Office, and they should be eventually returned to the Foreign Office, and not be retained in the archives of the Commission.

Lastly, Lord Clarendon would be glad if the Commissioners would recommend to him any elementary work on international law, in which candidates could be examined on promotion. His Lordship considers that a moderate acquaintance with that subject might usefully be required of candidates for advancement to be paid attachés, though it might not be necessary to subject them to a rigorous examination in it.

Reserving for another letter the enumeration of the points on which Lord Clarendon is desirous that persons on their first appointment in the consular service should be examined, I am only now to add, that as soon as Lord Clarendon is informed that the Civil Service Commissioners are prepared to undertake the examination of candidates for the diplomatic service to the extent set forth in this letter, and has further been made acquainted with the text-books on history and international law in which candidates should be examined, his Lordship will make known generally to the diplomatic profession the course to be adopted in regard to persons appointed to be unpaid attachés, and to those to be promoted to be paid attachés, and will carry the new system into effect as soon as possible. The Commissioners will be apprized, when candidates are referred to them for examination, of the special circumstances which in the several cases will have to be taken into consideration.

All candidates will be required, previous to the examination referred to in this letter, to attend on their first selection for at least three months in the Foreign Office, in order that they may make themselves acquainted with the forms in which the business is conducted.

I am, &c.
(Signed) E. HAMMOND.

Mr. Maitland to Mr. Hammond.

SIR,

Civil Service Commission,
22d December 1855.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 17th instant, relative to the examination of persons who may be appointed to diplomatic situations under the Foreign Office, and to request you will inform the Earl of Clarendon that the Commission will be prepared to undertake the conduct of such examination.

The views entertained by his Lordship, as to the acquirements which candidates ought to possess, are so clearly expressed in your communication, that no difficulty is likely to arise in carrying them into effect; but with regard to the seventh requisition, Lord Clarendon addresses to the Commissioners a question which they are not able to answer as satisfactorily as they could wish. After stating that candidates should possess "a general knowledge of history since the year 1789, and especially of the history of the country to which they are about to proceed, as regards its internal constitution, and its relations to other powers," you have conveyed to the Commissioners Lord Clarendon's wish, "that some text-book should be settled beforehand, out of which the candidates should be examined;" and you have added that "his Lordship would be obliged to the Commissioners if they would suggest any such book, in order that it may be specified on promulgating the regulations."

It may be doubted whether there is any single work from which both the general and the special knowledge adverted to can be derived; and for this reason, as well as for others to which it is not necessary to advert, the Commissioners, if they had not been favoured with so clear an intimation as to the course which it will be best to pursue, would probably have preferred confining themselves to general suggestions as to the course of reading which might advantageously be prescribed. The two works which the Commissioners feel least hesitation in recommending, as calculated to answer the purposes contemplated by Lord Clarendon, are "Heeren's Historical Manual of the Political System of Europe and its Colonies," and Mr. McCulloch's Geographical Dictionary. The former is the work of an author of high reputation, and, though too concise for those who seek a thorough

acquaintance with historical details, may, it is believed, safely be recommended where general knowledge only is required. The greater part of the second volume is directed to the period which has elapsed since 1789; but unfortunately, the history of Europe is continued only as far as the year 1821, and for the events of subsequent years, the Commissioners confess with regret their inability to name a trustworthy text-book. They can only refer generally to histories of particular countries, which it is not very difficult to discover, but which have not, as far as the Commissioners are aware, yet been amalgamated into any one work, the character of which would justify its being recommended to Lord Clarendon.

Mr. McCulloch's Geographical Dictionary is mentioned, as containing, in comparatively small compass, details relative to the history, constitution, statistics, &c. of different states, and it is believed that from a perusal of the articles in that work relating to particular countries, candidates proceeding to those countries will acquire information which, as far as it extends, may safely be relied on. At the same time, it is in this case still more difficult than in the former, to name a single text-book which should be exclusively prescribed.

The Commissioners are further requested, in your letter, to mention to Lord Clarendon any elementary work on international law, in which candidates may be examined on promotion. Assuming from the introduction of the term "elementary," and from your subsequent observations, that the accurate and extensive knowledge acquired by professional jurists is not expected, and that the object is rather to secure a general acquaintance with fundamental principles, the Commissioners feel that too extensive a course of reading should not be recommended. They are inclined to believe Wheaton's Elements of International Law, although not very recent in date, and in extent so small as to constitute, in fact, only an outline, contains all that it may be necessary to require as to the principles of the science; but it might perhaps, be desirable to recommend in addition some acquaintance with the "History of International Law," published by the same author.

It would be, as Lord Clarendon is, no doubt aware, far less difficult to mark out and recommend a systematic and extensive course of reading, both historical and legal; but the preceding observations contain the best answer which it is in the power of the Commissioners to offer to the questions proposed, and I have only to add, in conclusion, that due attention will be paid to the valuable suggestions contained in your communication as to the degree of proficiency to be required from candidates, both in their earlier and their subsequent examination.

I am, &c.

Mr. Hammond to Mr. Maitland.

SIR,

Foreign Office, 1st January 1856.

I AM directed by the Earl of Clarendon to acknowledge the receipt of your letter of the 22d ultimo, and I am to request that you will convey to the Civil Service Commissioners his Lordship's best thanks for the readiness with which they have entered into his views, with regard to the examination to which persons, on their first appointment as unpaid attachés, and on their subsequent promotion to be paid attachés, shall be subjected.

With regard to the books treating of modern history, in which candidates shall be examined, Lord Clarendon, while adopting the suggestion of the Commissioners, that "Heeren's Historical Manual of the Political System of Europe and its Colonies" might be a text-book for the examination, proposes, in addition, the fourth volume of Russell's Modern Europe (last edition), and he will therefore specify in the formal notice which he proposes to give of the nature of the examination to which attachés will be subjected, "so much of "Heeren's Historical Manual of the Political System of Europe and its Colonies as "treats of history from the year 1789," and the "fourth volume of Russell's Modern Europe (last edition)," as the books in which candidates for unpaid attachéships must expect to be examined, to prove their acquaintance with general history, and "so much of "McCulloch's Geographical Dictionary as relates to the country to which they may be "about to proceed."

Lord Clarendon will also specify as the text-books for international law, "Wheaton's Elements of International Law," and "Wheaton's History of International Law."

I am to take this opportunity of clearing up an ambiguity of expression under the fourth point of examination, mentioned in my letter of the 17th December, by observing, that it is Lord Clarendon's intention that the choice of one of the four languages, German, Latin, Spanish, or Italian, therein specified, is to be left to the candidates.

I am, &c.

(Signed) E. HAMMOND.

Mr. Hammond to Mr. Maitland.

SIR,

Foreign Office, 20th December 1855.

WITH reference to my other letter of the 17th instant, I am directed by the Earl of Clarendon to request that you will acquaint the Civil Service Commissioners that his Lordship would wish the examination of such persons as may be selected for the Consular service, whenever the circumstances of their being resident in England on their first appointment, or of their passing through England on their way to take up such first

FOREIGN OFFICE. appointment, may admit of their being subjected to examination, to be directed to ascertaining the following points:—

First. That candidates have a correct knowledge of the English language, so as to be able to express themselves clearly and correctly in writing.

Secondly. That they can write and speak French correctly and fluently.

Thirdly. That they have a sufficient knowledge of the current language, as far as commerce is concerned, of the port at which they are appointed to reside, to enable them to communicate directly with the authorities and natives of the place; a knowledge of the Italian language being taken to meet this requirement, as far as any place situated to the east of the Straits of Gibraltar is concerned, and a knowledge of the German language as regards ports within the Baltic, or countries having ports in the Baltic.

Fourthly. A sufficient knowledge of British mercantile and commercial law to enable them to deal with questions arising between British ship owners, ship masters, and seamen. On this particular point Lord Clarendon would be obliged to the Commissioners to recommend a text-book from which candidates should be examined.

Fifthly. A sufficient knowledge of arithmetic for the nature of the duties which consuls are required to perform in drawing up commercial tables and reports. On this point Lord Clarendon would be glad that the Commissioners should recommend a text-book.

I am to add that it is Lord Clarendon's intention, as far as practicable, to require persons on their first appointment to the consular service to attend at the Foreign Office for at least three months previously to their proceeding to their posts.

I am, &c.

(Signed) E. HAMMOND.

Mr. Maitland to Mr. Hammond.

Civil Service Commission,
22d December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 20th instant, relative to the examination of such persons as may be selected for the consular service, and to request you will inform the Earl of Clarendon that the Commissioners will be prepared to undertake the conduct of such examinations.

In reply to the first question contained in your communication, the Commissioners would suggest "Smith's Compendium of Mercantile Law," as a treatise containing information fully sufficient for the purpose to which you refer. The work, which is comprised in a single volume, is regarded by the legal profession as one of high authority, and successive editions have been published, the latest of which is of very recent date.

In naming an arithmetical text-book, there is more difficulty, arising from the circumstance that there are several works which might with equal propriety be recommended, and any one of which would supply the necessary information. As, however, it is deemed convenient that a selection should be made, the Commissioners will recommend Bishop Colenso's work, which has been extensively used in the University of Cambridge, and elsewhere. It may be right at the same time to observe, that for the consular service a more extensive acquaintance with the coinage, weights, and measures of foreign countries than that which can be gained from ordinary works on arithmetic, may perhaps be required.

I have, &c.

Mr. Hammond to Mr. Maitland.

SIR,

Foreign Office, 1st January 1856.

IN requesting you, by the direction of the Earl of Clarendon, to convey to the Civil Service Commissioners his Lordship's best thanks for the readiness with which, as stated in your letter of December 22d, they have consented to undertake the examination of such candidates for consular employment as may be referred to them for the purpose, I am to add, that his Lordship adopts the suggestion of the Commissioners, that "Smith's Compendium of Mercantile Law," and "Bishop Colenso's Arithmetic," should be named to the candidates as the books in which they must expect to be examined.

With regard to the last observation in your letter of the 22d of December, I am to state to you, that Lord Clarendon conceives that a person who has a competent general knowledge of arithmetic will have no difficulty in applying that knowledge to the coinage, weights, and measures of the country in which he may be appointed to reside.

I am, &c.

(Signed) E. HAMMOND.

FRIENDLY
SOCIETIES
(REGISTRY OF).

FRIENDLY SOCIETIES, REGISTRY OF.

Mr. Tidd Pratt to Mr. Horace Mann.

(Extract.)

28th June 1855.

No person has been nominated to a junior situation in my office since the 21st of May last.

GENERAL REGISTER OFFICE.

GENERAL
REGISTER OFFICE*The Registrar General to Mr. Horace Mann.*

19th June 1855.

(Extract.)

I am of opinion that in future no one should be appointed to this office under 17 years of age or above 22 years of age; and for the purpose of ascertaining that the candidate is properly qualified for the discharge of the duties to be assigned to him, I recommend that he be required to write from dictation (a good hand and correct spelling being indispensable), to write a letter upon given instructions, or to make a digest or précis of papers or correspondence (knowledge of correct English grammar being indispensable), that his knowledge of geography and of English history be tested, and that he be examined in arithmetic, including vulgar and decimal fractions.

It appears to me that in this office general intelligence and perfect trustworthiness rather than special attainments are the qualifications most needed.

I have, &c.

(Signed) GEORGE GRAHAM, Registrar General.

The Registrar General to Mr. Maitland.

20th November 1855.

(Extract.)

In my former communication respecting the age at which junior clerks should be nominated to this office, I specified from 17 to 22 years of age as the limits considered by me most desirable to be adopted.

The Lords of the Treasury nominate clerks to this department, and I am informed that their Lordships find considerable difficulty in making the appointments in consequence of the limits as to age being in their opinion too circumscribed.

I myself prefer junior clerks at the early age of 17 or 18 years, but, in consequence of the representation made to me by the Treasury, I have to suggest to the Civil Service Commissioners that in future the prescribed age should be for this office from 17 to 25 years, in lieu of 22 years.

HEALTH, BOARD OF.

BOARD OF HEALTH.

Mr. Tom Taylor to Mr. Horace Mann.

(Extract.)

No appointment to a junior situation has taken place in this office since the 21st of May last.

No special rules or arrangements as to such appointments have been laid down for this department.

HOME OFFICE.

HOME OFFICE.

Mr. Waddington to Mr. Horace Mann.

22nd Jun 1855.

(Extract.)

There are no fixed rules on the points mentioned in your letter, such appointments having hitherto been made on the responsibility of the Secretary of State. I am at the same time to state, that Sir George Grey will be ready to confer with the Commissioners as to any regulations which it may be thought desirable to adopt with reference to future appointments.

1. METROPOLITAN POLICE OFFICE.

Mr. Waddington to Mr. Spedding.

30th July 1855.

(Extract.)

With reference to your letter to the Commissioners of Police, I am directed by Secretary Sir George Grey to inform you, that the appointment to clerkships in the metropolitan police office and in the police courts of the metropolis are made by the Secretary of State; and that it will be desirable that the Civil Service Commissioners should address any communications as to the qualifications necessary for such clerkships to this department.

(Extract.)

With reference to the qualifications and age, and the heads of specific competence required of candidates for a clerkship in the department of the metropolitan police office under the Commissioners of Police, I submit the following:—

1. Satisfactory testimonials to be required of good character, habits of application, general intelligence, and civility of manners.
2. To write well and expeditiously, also correctly, from dictation, in spelling and punctuation.
3. To be well informed in English grammar, English Geography. and history of the British Empire.

HOME OFFICE.

4. To understand arithmetic to the extent of practice, vulgar fractions, and decimals, and the elements of book-keeping.
5. It is desirable that they should have a competent knowledge of the French language.
6. To be free from any bodily complaint or personal deformity.
7. To be not less than 17 or more than 25 years of age.

2. METROPOLITAN POLICE COURT.

Mr. Hall to Mr. Waddington.—Transmitted from the Home Office.

SIR,

Bow Street, 23d October 1855.

ON my return to town, after an absence of some weeks, I received your letter enclosing by the direction of Secretary Sir George Grey the written explanatory letter from the Civil Service Commissioners, and requiring me to report what special qualifications it may be proper to adopt for clerks to be appointed to the police courts. In compliance with that desire, I beg to offer the following suggestions for the consideration of Sir George Grey.

1st. That no candidate shall be appointed junior clerk at a metropolitan police court younger than 19, or older than 25, unless he shall be a certificated attorney of one of the courts of law at Westminster, or shall have acted for at least seven years next before his application for such office as clerk to the justices of any petty session, and that in such excepted cases the candidate shall not be restricted to the age of 25.

2nd. That a candidate for a police court clerkship shall be free from disease or any physical defect likely to interfere with the proper discharge of his duties.

3rd. That he shall be of unobjectionable character, industrious habits, good capacity, and obliging temper.

4th. That he shall write quickly a clear legible hand, spell accurately, with some knowledge of punctuation, and read well.

5th. That he shall have a knowledge of English grammar, modern geography, and English history, and be acquainted with such parts of arithmetic as addition, subtraction, multiplication, division, reduction, the single rule of three, practice, simple interest, and vulgar fractions.

6th. That a candidate for a senior or junior clerkship who shall be a certificated attorney or justices clerk at petty sessions shall over and above the said qualifications, possess a tolerably sound knowledge of criminal law.

7th. That a candidate for a senior or chief clerkship being a person within the provisions of the Sect. 5 of 2 & 3 Vict. cap. 71 (unless he has served as junior clerk in a metropolitan police court for at least 7 years) shall be deemed within each of the foregoing regulations, except that relating to age.

8th. That candidates may, if they require it, be examined in Latin or German or French or Italian or Spanish, but that a knowledge of any of these languages shall not be considered indispensably necessary.

(Signed) THOS. JAS. HALL.

3. RECEIVER OF METROPOLITAN POLICE.

Mr. Wray to Mr. Spedding.

25th July 1855.

(Extract.)

IN the event of any gentleman being nominated to fill an office in my branch of the police service I will not fail to communicate with the Commissioners, as required by their circular.

HOUSE OF LORDS.

HOUSE OF LORDS.

(Copy.)

Mr. Lefevre to the Civil Service Commissioners.

GENTLEMEN,

House of Lords, 6th February 1856:

IN reference to the communications which I had the honor of receiving from your secretary on the 13th of June and on the 20th of July 1855, I beg to state that I deem it to be my duty, before adopting any rules with reference to the limitation of age and to the examination of candidates for junior situations in this office, to take the opinion of the Sessional Committee of the House of Lords, to whom all important matters relating to the Parliament Office are referred, both as to the rules to be adopted, and the question whether this office is or ought to be within the provisions of the Order in Council.

IN the mean time, however, I have drawn up a draft scheme of examination, and I should be obliged to you to communicate to me any suggestions for its improvement which you may think desirable, and I will then lay it before the committee for its consideration.

I propose to recommend 18 and 25 as the limits of age for clerks on the establishment.

I have, &c.

(Signed) J. G. S. LEFEVRE.

Candidates for Clerkships in the Parliament Office will be examined in:—

1. Exercises designed to test hand-writing and orthography.
2. The power of accurate comparison of copies with originals.

3. English composition, so far as to be able to write an original letter or statement grammatically. HOUSE OF LORDS.

4. The outlines of the History of England and of the constitution.

5. Arithmetic, up to and inclusive of vulgar and decimal fractions.

6. Latin or French, so as to be able to translate out of the languages correctly.

When several candidates compete for a vacancy, it is intended, after they have passed a preliminary examination as suggested, to test their intellectual qualities by examining them in some branch of general knowledge; and in such case each candidate would be permitted to choose one subject out of each of the following groups, viz. :—

- | | | |
|-------|---|---|
| Group | { | A. English history, including that of the constitution of Parliament. |
| 1. | | B. English composition, including the power of drawing up legal instruments or clauses of a Bill. |
| Group | { | C. Classics. |
| 2. | | D. Mathematics. |
| | | E. Moral and mental philosophy and political economy. |

The subjects C. D. and E. would eventually receive a more precise definition.

The Civil Service Commissioners to Mr. Lefevre.

Sir, 8th February 1856.
 WE have the honour to acknowledge the receipt of your letter, dated the 6th instant, in which you communicate to us a scheme of examination for candidates nominated to junior situations in the Parliament Office, acquainting us at the same time that you propose submitting it to the consideration of the Sessional Committee of the House of Lords, and requesting that we will previously offer to you any suggestion which may occur to us for its improvement.

In reply, we have to state that the scheme does not appear to us to require alteration, and that, should it be ultimately adopted, we shall be prepared to regulate accordingly any examinations for the junior situations in question which it may be our duty to conduct.

We are, &c.

INDIA BOARD.

INDIA BOARD.

(Extract.)

Sir T. N. Redington to Mr. Spedding.

A competency in arithmetic and composition, and a sufficient capacity for analysis and condensing into a small compass a subject the matter of which is spread through many documents, and a knowledge of geography, might be advantageous; and orthography, as well as caligraphy, should be tested.

I am also directed to acquaint you that the President considers that from 18 to 25 would be a proper age for general admission to this office.

INLAND REVENUE.

INLAND REVENUE.

QUALIFICATION and INSTRUCTION of CANDIDATES for the SURVEYING BRANCH of the EXCISE.

(Extract.)

With the view of ensuring educated men for the surveying branch of the department, it is ordered;

That the candidate be required to write well, to understand the first four rules of vulgar and decimal arithmetic, and book-keeping by double entry.

That he write fluently and correctly from dictation, so that his handwriting, spelling, punctuation, and general fitness, may be thus subjected to an additional test.

That the age of the candidate must not exceed 25, nor be less than 19 years; and he must, at the period of his entering the service, be unmarried and without family; nor will he be allowed to marry till appointed to a ride.

The candidates shall be required to write a sentence from dictation; and to set down, also from dictation, and work out sums in common arithmetic, in decimals and in vulgar fractions; and shall be examined in their knowledge of book-keeping.

Excise Office, London, January 1848.

GENERAL ORDER.

Excise Office, London, 10th February 1848.

With reference to the "qualifications and instructions of candidates for the surveying branch of the Excise," issued in January, 1848, and to the general order of the 22nd February 1826, respecting the first certificate of such candidates;

Ordered, that the said general order be rescinded.

INLAND REVENUE.

That, in future, when a supervisor shall receive an order for examining any such candidate, after ascertaining,—by searching the register of baptisms himself, or writing to the proper supervisor to do so, should the candidate have been baptized out of his district,—that he is between 19 and 25 years of age, he certify for him in the annexed form, provided the candidate be qualified agreeably thereto, and transmit the certificate to the Board. In cases in which no register of baptism of the candidate is found, the supervisor must obtain the best testimony in his power as to his age, and *previously* submit the same for the consideration of the Board.

That the first part of the certificate, which must be subscribed by the supervisor, and the declaration following, which must be made before one justice of the peace at least, be written by the candidate; and that the last part of the certificate be written and subscribed by the supervisor.

By the Board,
GEO. BALLARD.

FIRST CERTIFICATE.

To the Honourable the Commissioners and Governors of Her Majesty's Revenue of Excise, &c.

These are to certify that A——— B———, born at——— in the parish of———, in the county of———, in——— collection, is healthy and active, without any bodily infirmity, and not encumbered with debts; is unmarried, and without family, and in the *——— year of his age: that he understands the first four rules of vulgar and decimal fractions, and also book-keeping by double entry, and has been bred a———.

C——— D———,
Supervisor.

I, A——— B——— do solemnly and sincerely declare that neither I, nor any person for me, to my knowledge or belief, have or hath, directly or indirectly, given or promised to give any fee, gratuity or reward, to any person or persons whatsoever, for obtaining or endeavouring to obtain for me an order of instructions or any employment in the Revenue of Excise.

A——— B———.
Declared this——— day of——— 18———,
before E——— F———.

May it please your Honours,

I have examined the before mentioned A——— B———, and find him qualified according to the foregoing certificate. He is of respectable character, and likely to make a good officer. He has made the foregoing declaration, and the declaration and the certificate are in his own hand-writing.

I am, Your Honours' most obedient humble servant,

C——— D———,
Supervisor.
Dated at——— }
the——— day of——— 18——— }

GENERAL ORDER.

Excise Office, London, 2d March 1848.

With reference to the "Qualifications and Instructions of Candidates for the Surveying Branch of the Excise," issued in January 1848;

Ordered, That, on the receipt and approval by the Board, of the First Certificate of every such candidate, the supervisor, who signed such certificate, be directed to furnish the candidate with a letter of identity, in the annexed form, addressed to the collector of the collection in which the candidate has been so certified for, and to require the latter to repair to the residence of such collector for the purpose of having his qualifications further examined, and of his being placed under instructions.

That the said further examination of the candidate's qualifications be made by a committee composed of the collector, a supervisor, and the collector's clerk, and consist in the candidate being required to write on foolscap paper from dictation, a sentence or sentences of not less than six lines, and to set down, also from dictation, and work out at least two sums in each of the first four rules (viz.: addition, multiplication, subtraction, and division) of vulgar and decimal fractions; and also to answer such questions in book-keeping by double entry, as shall prove that he has a competent knowledge of the same.

That, if, at any time, there be more candidates than one at the same place, such examination of their qualifications take place in the presence of each other.

That the identical papers, containing the foregoing examination of each candidate, be transmitted by the collector to the Board, with a report, at the foot of such papers, to the following effect, if found qualified, viz.:—

"The foregoing are specimens of the performances of Mr. A—— B——. He possesses a competent knowledge of book-keeping by double entry, and we consider

* In words at length.

"him a fit person to receive instructions for the station of a surveying officer of INLAND REVENUE. Excise.

Dated at _____ }
the _____ day of _____ }
18____ }

Collector.

Supervisor.

Collector's Clerk."

That in every case in which the candidate may not, on such examination, be found qualified, the papers containing his performances be transmitted to the Board, with a report from the committee, stating in what particulars he has been found wanting.

GENERAL ORDER.

Inland Revenue Office, Somerset House, London, 1st November 1855.

The Board having had under consideration the circular issued in January 1848, and the General Orders of the 10th February and 2nd March 1848, and 24th July last, on the subject of the admission into the service of candidates for the station of surveying officer;—

Ordered,—That the said circular and general orders be rescinded, and that in future the following regulations be observed:—

On the nomination of a candidate, an order for his examination will be transmitted to the collector, who must direct the supervisor, in whose district the candidate is residing, to furnish, agreeably to the directions herein contained, the "First Certificate," and other documents respecting the candidate's qualifications.

The age of the candidate must first be ascertained. For this purpose reference must be made to the proper register of baptisms, and a certificate therefrom must be obtained, and endorsed by the supervisor as follows:—

"This certificate has been compared by me with the register of baptisms, and is a true extract therefrom.

"_____, supervisor of _____ district."

"Dated this _____ day of _____ 185—."

Should the register of baptisms not specify the date of the candidate's birth, a certificate of his baptism must notwithstanding be obtained and endorsed as above directed; and in such case, as well as in that in which there is no register of the candidate's baptism, the best evidence that can be given of the date of his birth must also be obtained. If such evidence be afforded by a family Bible, or record, an extract therefrom must be made, and be subscribed by the supervisor or supervisors as follows:—

"This is a true extract from a Bible (or other book or document, as the case may be,) in the possession of _____ residing at _____, and the insertion therein of the date of the birth of _____ appears to have been made at the time indicated.

"_____, supervisor of _____ district."

"Dated this _____ day of _____ 185—."

"I certify that the personal appearance of _____, as regards his age, corresponds with this extract; and (if such be the case,) that there is no record of his baptism.

"_____, supervisor of _____ district."

"Dated this _____ day of _____ 185—."

Should there be no record whatever of the date of the birth of the candidate, the evidence of any credible and disinterested person who can speak as to his age, must be obtained; such person must be required to make, in the presence of the supervisor, a solemn declaration before a magistrate, as to the date of the birth of the candidate, and as to the particular circumstances which enabled him to speak of it.

This declaration the supervisor must endorse as follows:—

"I certify that this declaration has been made in my presence.

"_____, supervisor of _____ district."

"Dated this _____ day of _____ 185—."

"I certify that the personal appearance of _____, as regards his age, corresponds with this declaration; and (if such be the case,) that there is no record of his baptism.

"_____, supervisor of _____ district."

"Dated this _____ day of _____ 185—."

If the candidate be not less than 19 or more than 25 years of age, the supervisor must proceed to satisfy himself that the candidate is unmarried, without family, and not encumbered with debts, and is of respectable character.

He must also require the production of a certificate from some known medical practitioner in the neighbourhood of the candidate's residence, to the effect that he is *healthy and active, and free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties as an officer of Inland Revenue*; which certificate must be endorsed by the supervisor as follows:—

"I hereby certify that the said _____ is a known medical practitioner, residing at _____.

"_____, supervisor."

"Dated this _____ day of _____ 185—."

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Finally, the candidate must make a declaration in the presence of the supervisor, in the following form, before a magistrate :

“I, A ——. B ——. do solemnly and sincerely declare that neither I nor any person for me to my knowledge or belief have or hath, directly or indirectly, given or promised to give any fee, gratuity, or reward to any person or persons whatsoever, for obtaining or endeavouring to obtain for me an order of instructions or any employment in the Inland Revenue. A ——. B ——.

“Declared this ——— day of ——— 185—, before ———.”

The supervisor must forward to the Board the medical certificate, the baptismal certificate, and other documentary evidence as to the candidate's age, together with a certificate in the following form.

First Certificate.

“To the Honourable the Commissioners of Her Majesty's Inland Revenue.

“These are to certify that A ——. B ——, born at ———, in the parish of ———, in the county of ———, in ——— collection, is healthy and active, without any bodily infirmity, and not encumbered with debts; is unmarried and without family, and in the ——— year of his age; that he is of respectable character, and has been bred a ——— and that the accompanying declaration, made by him on the ——— day of ——— 185—, is in his own hand-writing.

“I am, &c.

“C ———, D ———, supervisor.

“Dated at ——— this ——— }
day of ——— 185—.” }

Should the candidate be found ineligible in respect of any of the foregoing qualifications, the particulars must be immediately reported by the supervisor to the Board, through the collector.

Upon the receipt of the “First Certificate,” the Board will forward to the collector examination papers, prepared by the Civil Service Commissioners; and he must require the candidate to attend at his office as soon as practicable.

The examination papers must be kept, by the collector, in the sealed envelope in which they are sent, and must not be shown to any person before they are produced to the candidate.

The examination must be conducted in the presence of the collector and his clerk, who must remain in the room while it lasts. Each paper must be given to the candidate separately, and he must not be allowed to absent himself from the room, in such a manner as to obtain information about the questions, until he has finished the paper before him.

When the examination is finished, the collector must forward, under cover to the Board, the papers and the answers, in a sealed envelope addressed to the Civil Service Commissioners, with a letter to the Board stating the name of the candidate whose papers have been returned, and that the examination has been conducted according to the above regulations.

In every case in which the residence of the candidate or the collector shall be in London or within forty miles of it, the candidate must attend the Civil Service Commissioners (instead of the collector) to have his qualifications examined; and, for this purpose, the Board's order will be forwarded to the supervisor, upon the receipt of the “First Certificate.”

By the Board,

THOS. DOBSON.

Mr. Spedding to Mr. Keogh.

SIR,

Civil Service Commission, 27th June 1855.

I am directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 23d instant, from which it appears that since the publication of the Order in Council of the 21st May 1855, 17 persons have been nominated to junior situations in the Inland Revenue Departments, viz., 1 clerk in the Legacy Duty department; 1 extra clerk in the office of the Inspectors of Taxes for the Metropolis; and 15 Expectants of Excise, resident in various parts of the United Kingdom.

With regard to the last-mentioned persons, the Civil Service Commissioners are clearly of opinion, judging from your account of the nature of the appointment, that they come within the description of “persons proposed to be appointed to junior situations in a department “of the Civil Service,” and ought, therefore, before they are admitted to probation to receive a certificate of qualification from the Civil Service Commissioners, which certificate the Commissioners are not authorized to grant until they have ascertained with regard to each several candidate (according to rules, settled with their assistance, by the chief authorities of the department), 1st. that he is within the prescribed limits of age; 2nd. that he is free from any physical defect which would be likely to interfere with the proper discharge of his duties; 3rd. that his character is such as to qualify him for public employment; 4th. that he possesses the requisite knowledge and ability for the proper discharge of his official duties.

As some time must necessarily elapse, however, before the Commissioners can make satisfactory arrangements for the examination of persons in distant parts of the country, and as the exigencies of the public service require that such persons should be enabled to enter upon their duties without delay; they have had to consider upon what evidence they would feel justified in granting the required certificate in such cases; and finding that all candidates for the surveying branch of the Excise are at present subjected to an examination under the directions of the Board, and that their papers are directed to be transmitted to the Board, together with a report upon the talents and qualifications of each, from the examiners before whom they appeared, the Commissioners are of opinion that these papers, with the report annexed, should be forwarded to them for inspection.

The Civil Service Commissioners observe, however, that nothing is said in your letter, or in the regulations inclosed in it, as to the second and third points which they are called upon to certify, viz. health and character; and that, although the prescribed age is stated as between 19 and 25, and a supervisor's report on that head is called for previously to examination, the nature of the evidence which is required is not mentioned. The Civil Service Commissioners are of opinion, that, with regard to health, a certificate should be submitted to them from some known medical man, stating that the candidate is free from such physical defects as are indicated by the Order in Council; with regard to character, a certificate of general good conduct, either from the master of the school at which he was last educated, or from the place where he was last employed, or from some other person properly qualified to speak to the fact; and with regard to age, a certificate of baptism or of birth, or such other satisfactory evidence as may be obtainable.

In the case of the two persons nominated to clerkships, one in the Legacy Duty department, and the other in the office of the Inspector of Taxes in the metropolis; the Civil Service Commissioners will be prepared to appoint a day for their examination, as soon as they shall have received the statement of the existing regulations with regard to the admission of persons to the various branches of the Inland Revenue Office, and of the attainments which they are required to possess which you say is in preparation. In the meantime they think it would be convenient that the two candidates in question should attend at the Civil Service Commission Office in Manchester Buildings on Friday next, at 2 o'clock, with such testimonials as to their age, health, and character as they may be able to bring with them.

I have, &c.

(Signed) J. SPEDDING.

(Extract.)

Mr. Dobson to Mr. Spedding.

9th July 1855.

The qualifications of a lieutenant of revenue police in Ireland are as follows:—he must not be less than 20 nor more than 25 years of age; must write fluently and correctly, and be acquainted with the first four rules of vulgar and decimal arithmetic; must be of sound constitution, and free from bodily defect, and, at the time of entering the service, unmarried and without family; and must produce certificates from at least two gentlemen of well known respectability, that his position in society is that of a gentleman, that he has not been in any employment derogatory to a gentleman, and that his character is exemplary.

(Extract.)

Mr. Spedding to Mr. Keogh.

18th July 1855.

I am directed to suggest for the consideration of the Board of Inland Revenue, the expediency of introducing into their general rule with regard to the limits of age, a general exception in favour of persons who may be transferred from other departments of the Civil Service, to which they had been previously appointed according to the prescribed regulations.

(Extract.)

Mr. Keogh to Mr. Spedding.

18th July 1855.

The Board will, according to the suggestion of the Commissioners, introduce a passage into their regulations to provide against the possible occurrence of such a case in future.

Mr. Keogh to Mr. Spedding.

SIR,

Inland Revenue, Somerset House,
London, 12th July 1855.

I BEG leave to state the nature of the examination which persons nominated to clerkships in the various branches of the in-door establishment of this office have been required to undergo previously to the date of the late Order in Council, and the age at which they are admissible, as also in the cases of persons nominated as supernumerary or assistant surveyors of taxes.

An explanation has already been furnished of the examination and other particulars with regard to expectants of Excise.

By an order of the Treasury, dated the 29th December 1854, it was directed that no person should be admitted as a clerk in any office of receipt or account in the department of Inland Revenue whose age was below 17 or exceeded 21 years, or as a surveyor of taxes whose age was below 21 or above 25 years, nor until he had been examined, and his proficiency approved, in reading, writing, vulgar fractions, decimals, book-keeping by double entry, writing from dictation, correspondence, geography, and the history of the British empire.

By a subsequent order of the Treasury, dated 2d February 1855, a modification was made of the foregoing order as regards the age at which a clerk or surveyor of taxes might

INLAND REVENUE. be admitted; namely, that instead of the limit being, as to clerks, 17 to 21, it should be from 16 to 25, and with regard to surveyors, instead of from 21 to 25, it should be from 19 to 25.

The course pursued by the Board as to clerks in offices of receipt or account, namely, the offices of

The Receiver General,
The Accountant and Comptroller General,
The Legacy and Succession Duty Department,
The Inspector General,
The Inspectors of Taxes for the Metropolis,
The Office of the Special Commissioners of Income Tax,
The Registrar of Fire Insurances,

The Stage Carriage and Hackney Carriage Department, has been, to cause them to be examined in the several branches of knowledge above mentioned, except arithmetic and book-keeping, by the principal of the department, his opinion of the proficiency of each person being certified to the Board. The examination in arithmetic and book-keeping is made by the Accountant and Comptroller General, not only of the persons nominated to his own department, but of those nominated in the other offices of receipt and account mentioned.

Persons nominated as surveyors of taxes have been examined in the office of the secretary in the several particulars mentioned, except arithmetic and book-keeping. Under these two latter heads they undergo examination by the Accountant and Comptroller General. The performances of these persons are submitted to the Board, who, upon going through them, admit or reject the parties.

Certificates of baptism or other proof of the age of each person has been invariably required, but no certificate as to health or character.

The Treasury order does not expressly refer to clerks nominated to other offices than those of receipt and account; but the Board had determined to regard it as applying to clerks in offices not of receipt or account, except in respect of book-keeping by double entry, a knowledge of which could not be made available for the business of such offices. Any person, therefore, nominated to a clerkship in the secretary's or solicitor's offices, would not be examined in book-keeping, but only under the other heads mentioned. The examination would, however, as regards history, geography, correspondence, and the other heads, extend much further than is thought necessary in the cases of clerks in offices of account or receipt, and would be such as to ascertain whether or not the person had received such an education as would qualify him, after experience in the various business of the office, to be employed in duties of a superior description. In the office of the solicitor some legal attainments are required; but the proficiency of the party in that respect would not be tested upon his admission, but during the probation of three months which he undergoes, according to the terms of his nomination, previously to his being reported to the Treasury as qualified or unqualified.

I may, however, remark that no nominations to the offices last mentioned have taken place since the date of the Treasury order above referred to.

I have, &c.

THOMAS KEOGH.

Mr Spedding to Mr. Keogh.

SIR,

Civil Service Commission, 6th September 1855.

I AM directed by the Civil Service Commissioners, in transmitting to you the accompanying certificates of candidates who have been examined by local officers, and whose papers have been forwarded to this department for inspection, to request that you will call the attention of the Commissioners of Inland Revenue to the following observations on the mode in which local examinations have hitherto been conducted.

1. It appears from the order of the Inland Revenue Board, dated January 1848, by which, as the Commissioners understand, local examinations are still regulated, that candidates are in the first instance to be examined by the local supervisor, and are to be required by him "to write a sentence from dictation, and to set down, also from dictation, "and work out sums in common arithmetic, in decimals, and in vulgar fractions."

They are also to be examined by the supervisor in their knowledge of book-keeping.

The "further examination" which takes place in the event of the supervisor's report being favorable, comprises "the four rules of vulgar and decimal fractions," but no portion of what is termed "common arithmetic."

The practice has hitherto been to transmit to the Civil Service Commissioners the questions set at the further examination with the answers given in by the candidate, but the examples in common arithmetic worked at the first examination have not hitherto been sent. The Civil Service Commissioners conceive that an acquaintance with vulgar and decimal fractions does not sufficiently prove a knowledge of common arithmetic which includes the important rules of proportion, practice, and interest. They have, therefore to suggest that in future the results of the first as well as those of the further examination should be transmitted for their inspection. If, as may possibly be the case, the first examination has hitherto been conducted in a less formal manner than the second, it may be thought, for other reasons besides that which has been assigned, that it would be well to give additional regularity to the proceedings which then take place.

2. In the second place, I am to observe that the Commissioners notice a similarity so close that it can hardly be attributed to mere accident between the examination papers placed before candidates who have been examined in localities widely distant from each other. Thus the examination papers of _____ who was examined at Dumfries on the 24th ultimo, and those of _____ who was examined at Limerick on the 22d, have the following questions in common :—

1. What is the difference between $\frac{1}{12}$ and $\frac{1}{13}$?
2. What is the product of '314 and '029?
3. What is the product of $\frac{1}{2}$, $\frac{2}{3}$, and 3?
4. What is the difference of 214'81 and 4'90142?

The Civil Service Commissioners will be glad to receive any explanation which it may be in your power to obtain as to the probable cause of this similarity, which they cannot but regard as sufficiently important to deserve your best attention.

3. The Civil Service Commissioners observe that by the General Order of 2d March 1848, which regulates the "further examination," the minimum length of the passage to be written from dictation is fixed at six lines, and in some of the cases which have come under the cognizance of the Civil Service Commissioners, the minimum has been but little exceeded. I am to suggest for the consideration of the Inland Revenue Commissioners the propriety of requiring a somewhat longer exercise, in order that the candidates' orthography may be subjected to a more adequate test. I am also to suggest that it would be desirable that the Report of the examining committee should contain a distinct statement that the passage has been written as the order of examination requires from dictation, and that it is not a mere copy. No assurance that the orders of the Board have been complied with in this point has hitherto been given by the local examiners.

I have, &c.

Mr. Corbett to Mr. Spedding.

Inland Revenue Office, London,
11th September 1855.

SIR,

HAVING laid before the Board your letter of the 6th instant, I am desired to acquaint you that the first examination by the supervisor alone was originally intended for the purpose merely of saving the trouble and expense to the candidate of a formal examination at the residence of the collector, in cases in which there could be no doubt of the deficiency of the candidate in the required qualifications; and that this Board were in the practice of deciding, upon a view of the hand-writing sent up by the supervisor, whether it was worth while to allow the examination to be further proceeded with.

If, however, the Civil Service Commissioners do not think it desirable that this practice should be any longer adopted, it appears to the Board that this preliminary examination may now be dispensed with, and the results of the examination before the Collector, including common arithmetic and a longer specimen of writing from dictation, transmitted for the decision of the Civil Service Commissioners.

With respect to the similarity in the questions in the two cases referred to, I am to state that it appears to have arisen from the use of the same arithmetic book by different collectors, and to add that the Board will issue an order directing them in future to frame the questions themselves, to give a longer specimen of writing from dictation, and to certify distinctly that it has been so written.

I am to state, in conclusion, that the Board will be glad to be favoured with the decision of the Civil Service Commissioners as to the preliminary examination by the supervisor, and with any suggestions or alterations in the present form or extent of examination that the Civil Service Commissioners may desire to have carried into effect, in order that the present opportunity may be taken of issuing amended instructions for the guidance of the officers.

I am, &c.

(Signed) WM. CORBETT,

Ass^t Under Secretary.

Mr. Spedding to Mr. Corbett.

Civil Service Commission,
13th September 1855.

SIR,

In answer to your letter of the 11th instant, I am directed by the Civil Service Commissioners to inform you that they concur with the Commissioners of Inland Revenue in thinking that the preliminary examination of candidates for junior situations in the provinces by the Supervisor alone may be dispensed with, and that the examination before the collectors should include questions in common arithmetic, and a longer specimen of writing from dictation, the same to be accompanied on transmission to the Civil Service Commissioners with a distinct certificate that it has been so written.

The Commissioners also concur with the Board as to the expediency of issuing a general order to the collectors directing them in future to frame the arithmetical questions themselves, and not to take them from the examples given in books of arithmetic which candidates might be enabled to get up and commit to memory without having really mastered the rules which they are intended to exemplify.

I am to state, in conclusion, that the Commissioners are not at present prepared to suggest any further alterations in the form or extent of these examinations. They have, however,

INLAND REVENUE. some questions under consideration relative to the course which it may be expedient to take in the case of candidates at a distance, upon which they will communicate with you further at a future time. I have, &c.

Mr. Dobson to Mr. Spedding.

Inland Revenue Office,
21st September 1855.

SIR,

WITH reference to your letter of the 13th instant, I am directed by the Board to transmit to you the enclosed copy of an order* which they propose to issue regulating the examination of candidates for the surveying branch of this department, and I am to request that you will inform me, at your earliest convenience, whether the regulations in question meet the views of the Civil Service Commissioners as to the requirements in such cases.

I am, &c.

(Signed) THOS. DOBSON, Assistant Secretary.

Mr. Spedding to Mr. Dobson.

Civil Service Commission,
27th September 1855.

SIR

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 21st instant, and of the draft general order by which it was accompanied. In compliance with the request of the Commissioners of Inland Revenue that I should inform you whether the regulations in question meet the views of the Civil Service Commissioners, I am to offer the following observations upon the draft general order.

1. As to age, health, and character. The Civil Service Commissioners, after careful consideration of the regulations proposed for ascertaining that candidates are in these respects qualified for the situations to which they have been nominated, are of opinion that by the adoption of those regulations deficiencies in evidence similar to those on which they have from time to time had occasion to observe will be in a great measure prevented, and the risk of admitting ineligible candidates as far as possible removed.

2. With reference to the arrangements proposed for the examination of candidates by provincial officers of the Board of Inland Revenue, the Civil Service Commissioners conceive that by the adoption of the proposed regulations, a considerable improvement upon the existing system will be effected, especially upon the following points:

1. The introduction of common arithmetic, including the rule of three, practice, and interest.

2. The injunction given to provincial examiners to frame questions for themselves, without referring to collections of arithmetical examples.

3. The increased length of the passage to be written from dictation.

Upon these points the Civil Service Commissioners have only to suggest (1), that in order to insure an acquaintance with the ordinary weights and measures, reduction should be included with the other rules of common arithmetic, and (2), that if experience should hereafter lead the Commissioners of Inland Revenue to the conclusion that the object contemplated has not been completely attained by the method at present proposed, arrangements might be made for conducting the arithmetical examination of candidates by means of examination papers transmitted from this office to the department of Inland Revenue, and thence forwarded to the provincial examiners.

In the meantime, if in any individual case it should appear to the Board of Inland Revenue desirable that this course should be adopted, the Civil Service Commissioners will be prepared, on receiving an intimation to that effect, at once to forward to you the necessary papers.

It is hardly necessary to add that the superintending authority at present exercised by the examining committee would not be interfered with by this arrangement, and that they would remain as at present charged with the duty of selecting and reading the passage to be written from dictation. With regard to the examination in book-keeping, which under the proposed regulations is to consist of questions proposed and answered *vivâ voce*, the Civil Service Commissioners direct me to suggest, for the consideration of the Board of Inland Revenue, that questions on this subject might without inconvenience be proposed and answered in writing; the papers might then be included among those transmitted to this department, and the Civil Service Commissioners would have the power, which at present they have not, of forming their own judgment on this as well as other portions of the examination, when deciding on the qualifications of the candidate.

Subject to the preceding observations, the Civil Service Commissioners conceive that the proposed regulations are the best which can be framed compatibly with the maintenance of the existing system of provincial examination. In the case, however, of candidates who reside within a moderate distance of London,—30 or 40 miles might be taken as the limit,—or who would under the present system have to attend at a place of examination within the same distance; and in the case of those who would have to pass through London in order to reach the proper provincial place of examination, the Civil Service Commissioners are of opinion that unless the Board of Inland Revenue foresee any great inconvenience from the alteration, personal attendance and examination at this office might with advantage be henceforth required.

I have, &c.

* See General Order of 1 Nov. 1855, *ante*, p. 75.

Mr. Dobson to Mr. Spedding.

INLAND REVENUE.

2044/55

Inland Revenue Office, London,
2nd October 1855.

SIR,

I AM directed by the Board of Inland Revenue to acknowledge the receipt of your letter of the 27th ultimo, relative to the draft of a general order transmitted by them to the Civil Service Commissioners, embodying the regulations contemplated for the examination of persons nominated to the surveying branch of this department.

The Board will adopt the Commissioners' suggestion respecting the introduction of the rule of reduction into the arithmetical examination.

They will also willingly acquiesce in the proposal for a written examination in book-keeping by double entry, should the Commissioners adhere to their present views on the subject.

They would, however, observe that a stringent examination in this particular would probably cause the exclusion of numerous persons who nevertheless might be perfectly qualified for all the duties of excise officers under the rank of Surveying General Examiners (one of the highest in the surveying branch), and that it is at present their practice to submit candidates for that rank to a strict examination in book-keeping by double entry, by the Accountant-General at this office. They have therefore hitherto contented themselves on the first admission of an officer with a very slight inquiry as to his knowledge of the principles of this method of book-keeping.

On this point the Board requests the decision of the Civil Service Commissioners, as it appears to depend upon general principles applicable to all admissions to offices; the question being, whether higher qualifications should be insisted on than are sufficient for the proper discharge of the duties of the particular office to which admission is sought.

With respect to the proposed conduct of examinations by papers framed in and transmitted from the office of the Civil Service Commissioners, the Board are quite willing to adopt that method at once if desired by the Commissioners, and will give notice to you accordingly whenever nominations are sent to this office.

They will also send all nominees residing within 40 miles of London to be examined by the Commissioners.

As the general order remains unsettled, pending the decision of the questions above adverted to, the Board beg to suggest in conclusion, that an early answer would be desirable.

I am, &c.
(Signed) THOS. DOBSON, Assistant Secretary.

Mr. Spedding to Mr. Dobson.

SIR,

Civil Service Commission, 4th October 1855.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 2nd inst. (2044/55) relative to the regulations contemplated for the examination of persons nominated to the surveying branch of the department of Inland Revenue, and to return the following answer upon the points referred to them for consideration.

1. Upon the question whether, as a general principle applicable to all admissions to offices, "higher qualifications should be insisted on than are sufficient for the proper discharge of the duties of the particular office to which admission is sought," the Commissioners are of opinion that, although a candidate should be required on his first admission to give evidence of a capacity to acquire whatever qualifications he will have need of in the ordinary course of the service upon which he is entering, it is not desirable to insist, as a condition preliminary to admission, that he shall actually possess accomplishments which he will not have occasion to use until he has risen in due course of promotion to offices of a higher class. It appears to them that if the regulations of the department with regard to promotion be such as to ascertain that he possesses these accomplishments before he is advanced to any office of which the duties cannot properly be discharged without them, the interests of the public service in that respect will be sufficiently secured.

2. With regard to the particular subject of book-keeping by double entry, it was not the intention of the Civil Service Commissioners to recommend that a greater degree of proficiency should be required in expectants of Excise than the Board of Inland Revenue think requisite. They only meant to suggest that the requisite proficiency (whatever that might be) would be more satisfactorily tested by written papers which might be transmitted for inspection than by the report of the supervisor upon the result of an examination *viva voce*. As it appears, however, from your letter, that upon the first admission of an officer to this branch of the department "a very slight inquiry as to his knowledge of the principles of this method of book-keeping" has been thought sufficient, and that a more stringent examination "would probably cause the exclusion of numerous persons who might nevertheless be perfectly qualified for all the duties of Excise officers under the rank of surveying general examiners," the Commissioners are not prepared to press that suggestion further.

As the case now stands, however, another difficulty presents itself; "a competent knowledge of the system of book-keeping by double entry," is set down among the qualifications prescribed by the Board of Inland Revenue for expectants of Excise, and it is of course necessary that the standard of competency should be uniform, and that the tests by which it is ascertained should not be more stringent in one place than another. It would seem desirable, therefore, that one of the two following courses shall be adopted,—either that a knowledge of book-keeping should be omitted from the qualifications required, as not requisite for the proper discharge of the duties of an expectant of Excise, or, if the Board do

INLAND REVENUE. not think it expedient to dispense with the subject altogether, that the Civil Service Commissioners should be furnished for their own guidance with some measure of the amount of knowledge which they are to ascertain that the candidate possesses. Such a measure would be furnished by a specimen of the questions and answers by which the supervisors have been accustomed to test that "knowledge of the principles of this method of book-keeping" which is considered sufficient. These questions and answers admit (it is presumed) of being reduced to writing, and if so, the suggestions of the Commissioners might still be adopted without raising the standard of qualification higher than it now is, and with the advantage of securing a greater uniformity in the system of examination than is practicable under existing arrangements.

If, on the other hand, the amount of this knowledge which may be regarded as "competent" is too indefinite to be ascertained by an examination in writing, the Commissioners are of opinion that it would be more convenient to adopt the other alternative, and omit it from the list of indispensable qualifications.

3. With regard to the conduct of examinations in the country by papers transmitted from this office, the Commissioners will be prepared upon receiving from you notice of nominations to forward the papers required.

Mr. Dobson to Mr. Spedding,

Inland Revenue Office, Somerset House,
London, 12th October 1855.

SIR,

I AM directed by the Board of Inland Revenue to state that, upon careful consideration of your last letter respecting the examination of candidates for the surveying branch of this department in book-keeping by double entry, they incline to try the experiment of a strict examination in this particular at the first appointment.

They request, therefore, that the examination papers may be framed accordingly by the Civil Service Commissioners, or that instructions for the guidance of the examining officers may be forwarded to this office.

Mr. Keogh to Mr. Spedding.

Inland Revenue, Somerset House, London,
1st November 1855.

SIR,

HAVING laid before the Board your letter of the 30th ultimo, in regard to the nomination of Mr. to a junior clerkship in the office of their solicitor in Dublin, who, it appears, has completed his 25th year, and is therefore beyond the age prescribed for admission to clerkships in this department, I am directed to state that the Board see no reason why the rule in respect of age should be relaxed in favour of Mr. , and they therefore consider that he is inadmissible under the minute of the Treasury.

With reference to the circumstances of Mr. having been informed that he would "be examined so as to ascertain that he possessed some knowledge of Latin," I have to observe, that on the examination of a Mr. , nominated to the same vacancy as that now in question, which was to be conducted by the Comptroller General and solicitor in Dublin, with the assent of the Civil Service Commissioners, the Board, considering that the office was not one of account, excluded from the subjects of examination book-keeping by double entry, and added a knowledge of Latin to a certain extent, on the ground that all articled clerks to attorneys are required to possess an acquaintance with that language; and it moreover appearing to the Board desirable, if not necessary, that a person who might in the course of time be advanced to a higher position than that of a junior clerk, and who would have to deal with legal business of an important description, ought to have an accurate knowledge of the meaning of the designations in Latin of various writs, proceedings, and other matters which a person wholly unacquainted with that language could scarcely be expected to attain. In the case of Mr. a similar letter was written as that in the case of Mr.

The Board did not intend to require an extensive knowledge of Latin on the part of persons nominated to the solicitor's office, but they leave it to the Commissioners to decide whether or not such an attainment should be at all required, and if required to what extent, and the Board will in future be guided in such cases by their decision.

I have, &c.

(Signed) THOMAS KEOGH.

Mr. Keogh to Mr. Horace Mann.

23d June 1855.

(Extract).

These out-door officers (Surveying Officers of Excise,) receive a salary of 50*l.* a-year only when merely under instruction, and acting as assistants to established officers, and at the rate of 80*l.* when employed to act in vacant divisions or districts until they are appointed to a ride, which occurs only as vacancies arise, and always after a long period of probation and instruction. Their salary when so appointed is 100*l.*, out of which they have to keep a horse. It is not to be expected that persons who have attained any considerable proficiency in the higher branches of education would accept employments of the nature described, and therefore the qualifications hitherto required have been limited to those mentioned in the papers referred to.

The addresses of all the persons nominated have been given in case the Commissioners should desire to summon them before them; but it will, perhaps, be the most convenient course that the Commissioners should signify to me when they wish the person to appear before them, when the necessary directions will be given from this office.

INLAND REVENUE.

Mr. Maitland to Mr. Keogh.

Civil Service Commission, Gateway, Dean's Yard,
Westminster, 3d November 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter dated the 1st inst. (R 9521/55), in which you state that the Board of Inland Revenue see no reason why the rule in respect of age should be relaxed in favour of Mr. ——— and that they therefore consider that he is inadmissible under the minute of the Treasury.

With regard to that part of your letter which relates to the subjects of examination for clerks in the solicitor's office in London and elsewhere, I am directed to state that the Civil Service Commissioners fully concur with the opinion expressed by the Board of Inland Revenue as to the desirableness of requiring from candidates a moderate acquaintance with the Latin language. I am at the same time to suggest, that in order to avoid uncertainty and mistake it would be desirable that the Civil Service Commissioners should be furnished by the Board of Inland Revenue with a distinct synopsis of prescribed subjects for candidates belonging to the class in question, and I am to request that you will move the Board of Inland Revenue, in the event of their acceding to the suggestion, to cause such synopsis to be prepared and transmitted to this office.

I have, &c.

Mr. Keogh to Mr. Maitland.

Inland Revenue, Somerset House,
Jan. 21, 1856.

SIR,

THE Board have had under consideration your letter of the 3d November last, and I am directed to observe, with reference to the personal communication which I had with you last week with regard to the wish of the Civil Service Commissioners, as expressed at the conclusion of that letter, that the Board think it sufficient to state that in the case of a nominee to the office of the solicitor, the person should, besides exhibiting a suitable proficiency under the heads already settled with regard to other clerks (except that of book-keeping by double entry), have such an acquaintance with the Latin language as would enable him to construe correctly any passages proposed to him in one or two easy books, of which a person of moderate scholastic attainments may be supposed to have acquired a competent knowledge.

I have, &c.

J. G. Maitland, Esq.

(Signed) T. KEOGH.

R. 694. P.

Mr. Fletcher to Mr. Keogh.

(Extract.)

Transmitted from the Board of Inland Revenue.

Inland Revenue, Edinburgh, 23d November 1855.

IN compliance with the instructions contained in your letter of the 19th ultimo, R. 11558/55 P., Mr. M. was instructed to attend at this office for examination.

On the 12th instant he attended, and his examination proceeded from day to day till completed.

In conformity with the instructions of the Board, each of the examination papers was given to Mr. M. in succession, and not together. The answers were made or worked out in the office. Mr. M. was not permitted to take away any of the papers to prepare his answers out of doors.

The examination papers are returned together with the relative answers, and a map of Ireland which will be noticed in sequel.

With reference to that part of your letter of the 19th ultimo, in which you observe that I may, if I think it necessary, obtain the aid of the Collector of Inland Revenue, Mr. Ross, in the examination as to arithmetic and book-keeping by double entry, I have to state that it did not appear to be necessary to trouble Mr. Ross on this occasion.

I placed Mr. M. under the immediate supervision of a confidential officer, in an apartment adjoining my own, with instructions to work out two questions, at least, in each rule of arithmetic, and to return to me the examination paper with relative answers before quitting the office. My instructions were complied with, and on the following day the same course was followed in reference to the examination paper on book-keeping by double entry.

On the 14th instant, having previously read it over aloud in his presence, I handed to Mr. M. the despatch from Downing Street, which he returned to me before quitting the office with a corrected copy written by himself.

The same course was followed as to the letter of instructions.

With reference to the examination paper in geography. I deemed it right, before handing it to Mr. M. to examine him orally on the several subjects indicated therein, so as to ascertain how far his acquaintance with them was superficial, or the reverse. Besides, I was anxious to impress upon him the necessity of condensing and compressing his ideas and answers within a reasonable space, seeing that only 3½ hours were allowed for each paper.

INLAND REVENUE.

The same course was followed with reference to the examination paper in history.

On the whole I am bound to add that Mr. M. appears to be an unassuming, earnest, and intelligent young man. He was educated at the grammar-school of Kirkcaldy, in Fifeshire, which he quitted about four years ago, carrying away several prizes for literary merit and general good conduct; my impression is, that he possesses vigour of mind, energy of character, and power of application, which, if well directed, will lead to the best results.

As this is the first case of an examination under the new system, I have gone into some detail in order to explain to the Board the course which has been pursued, and to obtain advice as to any points on which the wishes of the Commissioners may not have been fully carried out.

I am extremely anxious to give to the new system a fair trial. If it shall lead to the introduction into the service of a better class of officers, I shall not regret the additional labour or the somewhat serious inroad on my official time which the experiment implies. Even should the result not entirely realize the sanguine hopes of those with whom the scheme originated, from the fact that the standard of excellence, as contrasted with the reward, may turn out to have been placed so high as to deter competitors from entering the lists, the principle on which the scheme is founded is sound, and when carefully adapted to the exigencies of each department of the public service, will, it is hoped, be found to work well.

My experience on the present occasion has satisfied me of the great advantage of an examination, not merely as a test of literary merit, but as affording an insight into the disposition and character of the party examined under a somewhat trying ordeal, extending over several days.

It may be difficult to reject a party (whose literary qualifications are unexceptionable) on the ground of infirmity of temper or levity of character, but it is most important to the head of a department to know, from actual personal observation, the weak side of one who is likely to become his subordinate officer, seeing that much that is evil or wayward may be corrected by timely admonition and advice judiciously administered.

Mr. M. has produced a very good certificate of character from the Clerk to the Commissioners of Property Tax for the city of Edinburgh, both as to his official capacity and good conduct, and should he successfully pass through his present ordeal, I entertain a confident hope that he will prove a zealous and efficient officer.

I have, &c.

(Signed)

Mr. Maitland to Mr. Keogh.

Civil Service Commission, Deans Yard,
Westminster, 7th Dec. 1855.

SIR,

WITH reference to the case of Mr. M., who has been nominated to the junior situation of supernumerary surveyor of taxes in the department of Inland Revenue, and has been examined at Edinburgh, I am directed by the Civil Service Commissioners to request that you will express to the Comptroller-General for Scotland the satisfaction which they have derived from the perusal of his very elaborate and able report. They appreciate most highly the testimony borne by one evidently so well qualified to form a judgment to "the great advantage of an examination not merely as a test of literary merit but as affording an insight into the disposition and character of the party examined under a somewhat trying ordeal."

It can hardly be necessary to add that the co-operation of gentlemen possessing the vigour of intellect and soundness of judgment which are displayed in Mr. Fletcher's report will most materially aid the Commissioners in the performance of the important duties with which they have been entrusted.

I have, &c.

LANCASTER
(DUCHY OF).LANCASTER, DUCHY OF.

(Extract.)

The Earl of Harrowby to Mr. Spedding.

22d July 1855.

I have had no nomination at the office of the Duchy of Lancaster, nor am likely to have, as the establishment of the office is very small. I will, however, take care that when such occurs, attention shall be paid to the suggested arrangement.

LAND REVENUE
RECORD OFFICE.LAND REVENUE RECORD OFFICE.

(Extract.)

Mr. Fearnside to Mr. Spedding.

29th July 1855.

Not any appointment has been made in my office since the 21st of May last. I have at the same time to observe that all such appointments are made by the Lords of the Treasury. I will, however, attend to the instructions forwarded me, and, in the event of any new appointments being made, avail myself of the Board's assistance to obtain a suitable party.

LUNACY COMMISSION.

LUNACY
COMMISSION.

(Extract.)

Mr. Lutwidge to Mr. Horace Mann.

The Board have not as yet adopted any specific rules or arrangements with reference to the heads of enquiry mentioned in your letter, in respect to the appointments of young men to junior situations in this department. No appointment has been made during the last four years.

The Board will be happy to receive and to act upon any recommendations with which they may be favoured by the Civil Service Commissioners.

METROPOLITAN BUILDINGS OFFICE.

METROPOLITAN
BUILDINGS OFFICE.

(Extract.)

Mr. Symonds to Mr. Spedding.

25th July 1855.

No nomination has been made to any junior situation in this office since the 21st May last.

I have, however, in preparation, a statement of the business and incidental qualifications of the clerks and officers employed in this office or in connexion therewith, and of the plan of examination hitherto adopted by the board of examiners for candidates for district surveyorships, under section 66 of the Act, which I contemplate transmitting to you, for the information of the Commissioners, as soon as possible.

METROPOLITAN ROADS COMMISSION.

METROPOLITAN
ROADS
COMMISSION.

In answer to your letter of the 25th instant, I beg to inform you that there are no junior clerks in this office.

Letter from Mr. Labalmondiere, 27th August 1855.

MINT (ROYAL).

MINT (ROYAL).

(Extract.)

Mr. Barton to Mr. Horace Mann.

5th July 1855.

With reference to that part of your letter in which you state that the Commissioners of the Civil Service Commission are desirous of being furnished with the rules and arrangements which exist in the Mint Office, in respect to the appointment of young men to junior situations, and also of being furnished with any suggestions which may occur to the Master of the Mint as necessary to be embodied in any fixed rules for testing the qualifications of young men who may from time to time be nominated to junior situations in the Mint, I am directed by him to request you will have the goodness to inform Her Majesty's Commissioners that he will make this part of your letter the subject of a future communication.

NATIONAL DEBT OFFICE.

NATIONAL DEBT
OFFICE.

(Extract.)

Sir A. Y. Spearman to Mr. Horace Mann.

18th June 1855.

No person would be admitted to examination for a junior clerkship under 16 years of age, nor any one above 25.

Extract from Parliamentary paper, No. 216, 1855 enclosed with the Letter above referred to.

A candidate nominated to a clerkship in this office is subject to an examination, to show that he can write with ease and facility a clear legible hand; that he can copy in a fair and correct manner from manuscript or print, and manuscript accounts, selected and set before him for that purpose; that he is complete master of arithmetic up to and including vulgar fractions; that he has a fair knowledge of history and geography; and can produce certificates of good general conduct, one of which must be from the head of the last school in which he has been educated.

(Extract.)

Sir A. Y. Spearman to Mr. Spedding.

8th August 1855.

Although it is of great importance that, for the duty of this office, the candidate should have complete mastery over arithmetic, up to and including decimal fractions, and should write a clear legible hand, it is not really important that he should be deeply read in history and geography, although, no doubt, such knowledge is very valuable as a test of general education.

PATENTS OFFICE.

PATENTS OFFICE.

*(Extract.)**Mr. Edmunds to Mr. Spedding.*

23 July 1855.

I have the honour to acknowledge the receipt of your letter of the 15th of June and the 19th instant, and to inform you, that the suggestions therein contained in respect of future appointments of clerks in the Patent Office will be duly attended to.

PAYMASTER
GENERAL'S OFFICE.

PAYMASTER GENERAL'S OFFICE.

*Mr. Haffay to Mr. Spedding.*Paymaster General's Office,
21st July 1855.

SIR,

I HAVE laid before the Paymaster General your letter of the 15th ultimo, adverting to the points to which the attention of the Civil Service Commissioners is directed by the Order in Council of the 21st May 1855, and requesting to be informed of the rules and regulations which exist in the Paymaster General's office with reference to the admission of candidates for clerkships in the said office, and to the requirements of the Order in Council.

1st. As to the age of the candidate.

The age of admission is not fixed by any positive rule. The practice has been not to admit any person under 16 years of age.

2nd. Physical defect or disease.

Unless obvious, no particular enquiry has been made on this subject.

3rd. Personal character.

It has been assumed that the Treasury would not appoint improper persons.

4th. Requisite knowledge and ability.

For the purpose of ascertaining whether the candidates possessed the description and amount of knowledge requisite for a proper discharge of the duties of the office, they have been subjected to the following examination:—

In arithmetic:—

Practice.

The rule of three, direct, inverse, and double.

Vulgar and decimal fractions.

Interest, purchase of stock, and exchange.

In orthography and hand-writing:—

Writing from dictation.

In composition:—

Making a précis or abstract of some official papers.

In book-keeping:—

Before the expiration of the time of probation it has been usual to examine the candidate as to his knowledge of book-keeping.

On these several points I am desired by the Paymaster General to offer the following observations:—

Age.—Sixteen is decidedly too young.

At that early age young men are found to pass at once from the school to the office without any practical knowledge whatever, and too frequently from schools where writing and arithmetic are but little, if at all, attended to. Moreover, at 16, when just emerging from school, their inclinations are hardly known either to themselves or their friends. On the other hand, if the standard of age be raised too high, the interval of time between leaving school and offering themselves for the public service is either unprofitably spent, or, if the young man is of energetic character, he does not wait long before he decides upon some business or profession which shall enable him to take his position in society.

To obviate these inconveniences, and to give young men a greater interest in their duties on first admission than most of them feel at present, the commencing salary should be raised as well as the age. All things considered, 18 might be fixed as the proper time for admission and 100*l.* per annum as the proper salary to begin with; but until this improvement in the salary be effected, the age of admission must remain as it is.

In most offices the first salary is only 90*l.*, and in the Paymaster General's office, it is as low as 80*l.* per annum.

After the age of 25, persons could hardly be admitted with advantage to the public service or with comfort to themselves.

Health and character.—A little more inquiry than is now made on these points is undoubtedly desirable.

Requisite knowledge and ability.—It is hardly necessary to observe that the object of the questions put in arithmetic is not so much to ascertain the candidate's proficiency in the particular rules laid down, as to test his general knowledge of numbers; and although most of the candidates that present themselves for examination will be found more or less acquainted with these rules, they will also, it is feared, be found deficient in the power of making additions of any length, and yet the facility of so doing is indispensably necessary in an office like that of the Paymaster General. Practice will do much, it is true, but it

will not altogether supply the want of training in youth. In like manner, practice will give greater facility in writing, but if the hand is not well formed in early life, the necessity for expedition will rather deteriorate than improve it.

As regards book-keeping, it is suggested that it should form part of the examination before the certificate is issued. This would have the effect of inducing the friends of the candidate to make it a part of his education instead of leaving it to himself when he has become, it may be said, his own master.

Although the duties on which young men are at first employed in the Paymaster General's office, require little more than a good hand-writing, and a competent knowledge of arithmetic; still as they rise in the office the duties to which they succeed cannot be performed with benefit to the public service, or with any prospect of leading to their own advancement, unless they have that amount of intelligence which shall enable them to master not only all the duties of their own office, but to acquire a knowledge of the constitution and practice of other branches of the public service. With the view, therefore, of securing as far as possible the introduction into the service of persons likely to become useful public servants, it is suggested to the Commissioners whether it might not be desirable to carry the examination of candidates a little beyond what it is at present, for the purpose of testing their general intelligence and acquirements, which should embrace a reasonable proficiency in one dead or modern language.

No nominations have been made to this office since the 21st of May last.

I am, &c.

(Signed) E. A. HOFFAY.

PAYMASTER
GENERAL'S OFFICE.

POOR LAW BOARD (England and Wales).

POOR LAW BOARD.

(Extract.)

Viscount Courtenay to Mr. Horace Mann.

16th July 1855.

I am directed by the Poor Law Board to enclose the accompanying extracts (in relation to candidates for clerkships) from the report of the Treasury committee upon this department, and from a letter addressed by the Poor Law Board to the Lords of the Treasury in reference to such report.

I am directed also to state that the Poor Law Board see no reason for departing from the views expressed in such extracts.

Extract from the Report of Treasury Committee, enclosed with preceding Letter.

We are of opinion that both the clerks and supplementary clerks should be examined previously to their appointment.

The supplementary clerks should be examined as to their handwriting, their general intelligence in deciphering what is given them to copy, their acquaintance with the first rules of arithmetic, and their familiarity with the ordinary principles of English composition. The candidates for clerkships of the superior class should be examined with a view to ascertain that they have received a liberal education, and are personally intelligent. We do not desire to lay down any minute rules as the nature of this examination, which may to a certain extent, be made to depend upon the nature of the candidate's previous studies.

A knowledge of arithmetic, as far as vulgar and decimal fractions, and a general familiarity with the rules of English composition, must be treated as essential; and some acquaintance with the general principles of law would be an undoubted recommendation to those who look to rising in this branch of the public service.

The age of admission to clerkships should be between 18 and 25 years, and none should be eligible beyond those limits, unless they have been already engaged in the public service.

They should be subjected to a medical examination, or should produce satisfactory medical certificates to ascertain that they have no bodily ailment likely to incapacitate them for service.

They should also be required, unless personally known to and vouched for by the president or the secretary, to produce satisfactory certificates of character.

Lastly, the first year after their appointment should be strictly one of probation, and the chief clerk should transmit to the secretary, once in three months, a written report on their conduct and ability, like that now quarterly made in the War Office.

Letter from the Poor Law Board to the Treasury, dated 5th October 1853, and enclosed with Lord Courtenay's Letter.

(Extract.)

Subject to this reservation [in regard to the Secretariat], the Board beg leave to express their general concurrence in the recommendations of the report in regard to the establishment, as being calculated to promote the efficient discharge of the public business.

POST OFFICE.

POST OFFICE.

(Extract.)

Mr Tilley to Mr. Horace Mann.

19th June 1855.

All candidates for appointment are now subjected to an examination the nature of which is shown by the enclosed forms and parliamentary return.

I am to state, that the only observation which Lord Canning wishes at present to offer to the Commissioners is, that a marked distinction should made be in the nature of the examination to which candidates for appointment to clerkships in the secretary's office are subjected, as compared with those who seek employment in the accountant's office, the money order office, or any other branch of the department.

The duties of the clerks in the secretary's office, as well as their official position and salaries, are higher than those of the clerks in other branches.

The standard of examination for this branch should be raised, so as to secure, in addition to the ordinary and indispensable qualifications, a sound knowledge of arithmetic generally, the knowledge of one foreign language (French or German), accuracy and propriety of expression in English composition, and an aptitude for making a clear and correct analysis of the details of some narrative or transaction of business.

"Form No. 1." enclosed in preceding Letter.

A certified copy of the baptismal register or other certificate of age must be enclosed.

Names and addresses of at least two persons who are well acquainted with the candidate, and can give information respecting his character and ability.

A medical certificate must be enclosed respecting the candidate's health and constitution.

(Extract.) *Parliamentary Paper, No. 216., 1855, enclosed with preceding Letter.*

In respect to the metropolitan post offices, every person nominated to a clerkship is subjected, as a condition of admission into such offices, to an examination in penmanship, orthography, and arithmetic; and if the nomination be to a clerkship in the secretary's department of the London office, the candidate is also required to draw up a summary of some official case from the original documents.

In regard to provincial post offices, the appointment of the clerks is intrusted to the local postmasters, subject to the approval in each case of the Postmaster General; and before any appointment is authorized the postmaster is required to send a specimen of the candidate's writing, and to make a written report on his qualifications. If the specimen and report are satisfactory, the appointment is sanctioned by the Postmaster General; but no rule has been laid down prescribing examination in certain subjects as a condition of appointment to these clerkships.

(Extract.)

Mr. Lefevre to Mr. Rowland Hill.

4th July 1855.

Lord Canning was good enough to inform me, that with reference to clerks who might be originally appointed to the secretary's office (and for whom he wished a higher scale of examination to be established than for clerks in the money order office, accountant's office, &c.), he would be satisfied if the knowledge of arithmetic included the following subjects; viz., addition, subtraction, multiplication, division, reduction, rule of three, vulgar fractions, practice. We are in doubt, however, what lesser amount of arithmetic Lord Canning would deem necessary for the other clerks above referred to. Would you require them to know anything beyond the first four rules?

(Extract.)

Mr. Tilley to Mr. Spedding.

3d July 1855.

The limits of age of candidates for clerkships in the General Post Office are fixed,—the minimum at 17, and the maximum at 23; that is no person can be admitted into the department who is either under 17 or not under 24 years of age.

His Lordship (Lord Canning) desires me to point out that there is a class of supplementary clerks in the secretary's office whose duties are chiefly of a mechanical nature, and that the character of their examination may therefore be limited to penmanship, orthography and the first rules of arithmetic.

(Extract.)

Mr. Hill to Mr. Lefevre.

5th July 1855.

I have consulted Lord Canning on the subject of your note received this morning, and have his Lordship's authority to say, that for the accountant general's office, the mail office, and the money order office, he thinks the arithmetical examination should include all the rules enumerated in your note, except fractions, *i.e.*, addition, subtraction, multiplication, division, reduction, rule of three, and practice.

Mr. Tilley to Mr. Spedding.

SIR,

General Post Office, 11th July 1855.

I AM directed by the Postmaster General to request that you will move the Civil Service Commissioners to inform his Lordship whether they have established, or purpose to establish, branches for the examination of candidates for appointments to the post offices in Dublin or Edinburgh.

I have, &c.

(Signed) J. TILLEY.

Mr. Spedding to Mr. Tilley.

POST OFFICE.

SIR,

Civil Service Commission, 13th July 1855.

IN answer to your letter of the 11th instant, requesting to be informed whether the Civil Service Commissioners have established, or propose to establish, branches for the examination of candidates for appointments to the post offices in Dublin or Edinburgh; I am directed to say that they have not yet established such branches, but that they propose to do so as soon as they can make the necessary arrangements. In the mean time they have decided in the case of persons nominated to the inferior class of situations at a distance from London to take as the ground for their decision the result of the examination which such persons now undergo under the directions of the department, and of which it is presumed that a report accompanied with certificates of age, health and character, and specimens of examination papers is submitted to the Postmaster General before the nomination is confirmed. If this report, with the documents accompanying it, be transmitted to the Civil Service Commissioners, they will proceed at once to decide upon the case, and will grant or withhold their certificate of qualification, or ask for further information according to the evidence before them.

In the case of clerkships, however, and situations which demand a higher scale of qualification, the Civil Service Commissioners are of opinion that until arrangements can be made for local examinations under their own directions, it is desirable that the nominees should attend in person to be examined at this office unless it should appear to the Postmaster General that any considerable public inconvenience would arise from the adoption of that course.

I have, &c.

Mr. Tilley to Mr. Spedding.

SIR,

General Post Office, 21st July 1855.

I AM directed by the Postmaster General to acknowledge the receipt of your letter of the 13th instant, suggesting that, pending the contemplated establishment in Edinburgh and Dublin of branches for the examination of candidates for appointments to the civil service, the persons recommended for clerkships and situations in those cities demanding a higher scale of qualification should attend in London to be examined.

His Lordship desires me to state, for the information of the Civil Service Commissioners, that he considers the adoption of such a course would be inconvenient, and that it would probably lead to embarrassment, as many of those persons who are appointed to the Edinburgh and Dublin post offices reside in Scotland and Ireland, and some expense would consequently be incurred in bringing them to London. He conceives that it would scarcely be just to require the candidates, especially those who might be rejected, to bear the charge and he presumes that it is not expected that the revenue should defray their expenses.

As, however, any arrangement to be made at present will be only temporary, his Lordship desires me to suggest for the consideration of the Commissioners that it may be sufficient in the meantime to submit to them the examination papers taken by the department with the certificates of age, health, and character of the candidate, leaving it to them to decide upon each case.

I have, &c.

(Signed) J. TILLEY.

Mr. Spedding to Mr. Tilley.

SIR,

Civil Service Commission, 24th July 1855.

IN answer to your letter of the 21st instant, stating that the course suggested by direction of the Civil Service Commissioners in the last paragraph of my letter of the 13th with regard to the examination of persons nominated to the highest class of junior situations in the post offices at Dublin and Edinburgh, would in the opinion of the Postmaster General be inconvenient and embarrassing, and recommending that, until more permanent arrangements can be made, the Civil Service Commissioners should make their decision upon the examination papers taken by the department and transmitted to them, together with certificates of age, health, and character for that purpose, I am directed to inform you that they acquiesce in the arrangement suggested by the Postmaster General, and are prepared to proceed accordingly.

I have, &c.

PRISONS DEPARTMENT.

PRISONS
DEPARTMENT

(Extract.)

Colonel Jebb to Mr. Spedding.

21st October 1855.

I would propose that the following be the minimum attainments of any who may be sent for examination:—

1. Writing a clear legible hand with facility and despatch.
2. Writing from dictation, with correct orthography.
3. First four rules of arithmetic, both simple and compound, rule of three and practice; with an accurate knowledge of the arithmetical tables.

As regards age, there being some variety in the employment, I should not wish to restrict this point too much, and think it might generally be laid down as between 18 and 40.

PRIVY COUNCIL
OFFICE.

PRIVY COUNCIL OFFICE.

(Extract.)

Hon. W. L. Bathurst to Mr. Spedding.

11th July 1855.

In conformity with the recommendations of the Commissioners who inquired into the state of the Council Office in 1853, this department will henceforward consist of two classes. With regard to the upper class of clerks, it is probable that for many years no vacancy will occur to be filled up by the appointment of gentlemen not now connected with this office.

The Lord President, therefore, thinks it unnecessary to provide at the present time for examinations of candidates to the upper class of situations in this establishment. It is, however, proposed by the Commissioners, that clerks of inferior station, with salaries varying from 100*l.* to 200*l.* a year, are to be appointed as occasion may require. The qualifications for these posts are those of a practical education in writing, English composition, and arithmetic, and in general the attainments which might be required of a clerk in an attorney's office. It is also desirable that these clerks should have at least such a knowledge of French as to enable them to copy and examine documents in that language with accuracy.

Should the candidates for these appointments possess any other qualifications, the Lord President is of opinion that they should be permitted to be examined in them at their own request; but in general the best qualified to fill these situations are found to be those who, without pretending to any great variety of attainments, are thoroughly well grounded in elementary knowledge.

PUBLIC WORKS LOAN OFFICE.

PUBLIC WORKS
LOAN OFFICE.

(Extract.)

Mr. Willink to Mr. Spedding.

10th July 1855.

The staff of this office consists of the secretary, assistant secretary, accountant, and one clerk; the latter alone coming under the designation of "junior situation."

It has hitherto been the practice of the Commissioners to satisfy themselves, either by inquiry, or from the personal knowledge of one or more of their body, as to the character and capability of the candidate or candidates for the situation in question, whenever a vacancy has occurred.

QUEEN'S REMEMBRANCER'S OFFICE.

QUEEN'S
REMEMBRANCER
OFFICE.

(Extract.)

Mr. Vincent to the Civil Service Commissioners.

30th June 1855.

In reply to your letter of the 29th instant, with reference to the Order in Council of the 21st of May last, I have the honour to state, that no nominations to junior clerkships in this office have taken place since that time; and I will immediately turn my attention to the remaining part of your letter, with a view to meeting the objects of it, as far as it may be practicable to do so.

PUBLIC RECORD OFFICE.

PUBLIC RECORD
OFFICE.

(Extract.)

Mr. Thomas to Mr. Spedding.

25th September 1855.

There has not been any appointment of a junior clerk in this office since the 22d of May last; and the Master of the Rolls, from pressure of other business, has not yet been enabled to suggest anytes ts for the examination of persons to be appointed to this office.

STATIONERY OFFICE.

STATIONERY
OFFICE.*Mr. McCulloch to Mr. Maitland.*H.M. Stationery Office,
5th December 1855.

SIR,

REFERRING to the correspondence I have had with you in regard to the examination of clerks proposed to be admitted to this department, I am very glad to be able to state that,—

- I. The age for the admission of ordinary clerks has been fixed at from any time in the 18th to any time in the 25th year of their age, and that
- II. The age of admission of other parties belonging to the office, such as the examiners of paper, printing and binding, or those exercising special functions, shall be from any time in their 20th to any time in their 40th year.

The following qualifications are absolutely necessary for clerks, viz.—

- A. That they be able to write a reasonably good, legible, and quick hand.
- B. That they be good accountants; that is, that they be well acquainted with the fundamental rules of arithmetic, and more especially that they be quick and accurate in addition, familiar with the doctrine of proportion, and with that mode of solving questions or obtaining results which is usually called practice; and that they be expert in the handling of vulgar fractions. If, in addition, they are acquainted with decimal fractions and book-keeping it will be so much the better;—but the latter qualifications are not, like the former, indispensable. And,—

- C. That they be acquainted with the common rules of English grammar, be able to write pretty correct English, and to detect the more obvious grammatical blunders.

I beg to say that I shall be ready and willing to supply you with any further details, should such be required, that you may think necessary in reference to this matter.

I have, &c.

(Signed) J. R. McCULLOCH, Comptroller.

TRADE (BOARD OF).

TRADE (BOARD OF).

(Including also (1) the Department of Practical Science and Art; (2) the Registry of Seamen; (3) the Registry of Joint Stock Companies; and (4) the Registry of Designs.)

Extract from Minutes of Board of Trade, transmitted by Mr. Booth, 7th August 1855.

EXAMINATIONS for ADMISSION to the JUNIOR SITUATIONS of the BOARD of TRADE.

For Ordinary Clerks.

Age from 18 to 25.

My Lords require that the candidates should pass a satisfactory examination in the following subjects:

Good hand-writing.

Transcribing and writing from dictation, correctly and expeditiously.

Arithmetic, as far as vulgar and decimal fractions.

Translation from one ancient or modern foreign language.

Making a précis or digest of letters or other papers.

Geography.

My Lords would also be glad to receive a report of the candidate's proficiency in any other subject or subjects to be selected by him, in which he may desire to be examined.

For Supplementary Clerks.

Age from 17 to 30.

My Lords require that the candidates should pass a satisfactory examination in the following subjects:

Good hand-writing.

Transcribing and writing from dictation, correctly and expeditiously.

Grammatical structure of sentences of a simple character.

Arithmetic, the first four rules, with practice and the rule of three.

My Lords would also be glad to receive a report of the candidate's proficiency in any other subject or subjects to be selected by him, in which he may desire to be examined.

Mr. Booth to Mr. Horace Mann.

(*Extract.*)

26th June 1855.

The examination required for candidates for the junior situations in the department of practical art and science, and in the office of the Registrar of Seamen, and in the offices for the registration of joint stock companies and of designs (the appointments to which are made by the President of this Board), would be similar to that required for supplemental clerks in this office.

TREASURY.

TREASURY.

Sir C. E. Trevelyan to the Civil Service Commissioners.

(*Extract.*)

15th July 1855.

- 1. Age. }
- 2. Health. }
- 3. Character. }

No precise rules exist, it having hitherto been assumed that the persons nominated would not be open to objection in these respects.

- 4. Knowledge and ability.

The examination is described in the Parliamentary Paper, No. 216., of this session.*

* See Appendix VI.

TREASURY.

I have to state, that the further suggestions which their Lordships have to make, supposing the constitution of the establishment to remain as at present, are as follows :

- 1st. *Age*.—The candidates should not be less than 18 nor more than 25 years of age.
- 2d. *Health*. } Any general rules which may be laid down for other offices will be
- 3d. *Character*. } equally applicable to the Treasury.

4th. *Knowledge and Ability*.—The examination should be such as not only to secure the attainments already required, but also to ascertain whether the candidate has received a good education, and has profited by it, the higher duties of the Treasury being of a nature to call for superior cultivation and intelligence.

The attainments required in the supplementary clerks are quick and legible handwriting, correct English composition, and a familiar acquaintance with arithmetic and accounts.

They have for many years been selected by a competing examination from among any clerks belonging to the Revenue establishments, the Post Office, and the Audit Office, who might be recommended by the heads of those departments, the proceedings being conducted according to the rules laid down in the Treasury Minute, dated 24th March 1840, a copy of which is transmitted for your information. I have to add, that it is their Lordships' wish that these examinations also should in future be conducted by you.

Copy of Treasury Minute, enclosed with preceding Letter.

(*Extract.*)

Whenever one or more extra clerks are required at the Treasury, a circular notice will be sent to the heads of the Audit Office, Customs, Inland Revenue, and Post Office, requesting them to send such persons already belonging to their establishments as may be desirous of becoming candidates for the vacant situations, and as they can themselves recommend; and on these persons appearing at the Treasury with their testimonials, they will be examined, and those who appear by the result of the examination to be best qualified will be selected; or if they are too numerous to be all examined, those who shall appear from their testimonials to have the stronger claims will be selected for examination, and the final selection will be made as above.

The Civil Service Commissioners to the Lords Commissioners of Her Majesty's Treasury.

Civil Service Commission, Gateway, Dean's Yard,
Westminster, 11th January 1856.

MY LORDS,

ALTHOUGH our certificate of qualification has not yet been required in the case of any candidate nominated to a junior situation on the permanent establishment of Her Majesty's Treasury, and, consequently, no practical inconvenience has resulted from the circumstance that a definite arrangement has not yet been arrived at as to the subjects in which candidates for such situations should be examined, your Lordships will, we trust, concur with us in thinking that the time has now arrived for fixing, as definitely as the nature of the case will allow, the description and extent of knowledge and ability which ought to be regarded as essential. We should earlier have invited your attention to the subject, had we not felt that experience of some extent in the arrangement and conduct of examinations would materially increase the value of that assistance which, under the provisions of Her Majesty's Order in Council, it is our function to render.

In selecting the present moment for our communication we are influenced by two considerations. In the first place it is our intention, shortly after the meeting of Parliament, to lay before Her Majesty a report of our proceedings, including the subjects of examination, as settled with the various departments, and it will be our wish to render that report as complete as it can be made.

In the second place we have another and more important reason to allege. After having for more than six months conducted our examinations, not according to standards fixed by ourselves, but with scrupulous adherence to the schemes furnished to us by the chief authorities of the several departments, we are now proposing to place ourselves in communication with those authorities, to acquaint them fully with the course which we have pursued, to offer to them the suggestions which appear to us important, and to solicit from them any which they may be willing to offer.

The position held by the Treasury among the civil establishments of the Crown, its direct authority over some, and its influence over others, impress upon us the conviction that we shall enter with far greater prospect of success upon the reconsideration adverted to, if we are able to bring under the notice of those with whom we may be in communication a liberal and judicious scheme of examination, sanctioned by the authority of your Lordships.

The case at present stands thus:—By a letter from Sir C. E. Trevelyan, dated 15th July 1855, we were informed that the examination for junior situations in the establishment of the Treasury was described in the Parliamentary Paper, No. 216, of 1855, from which document it appears that “candidates are examined in the common “rules of arithmetic, such as the rule of three, vulgar and decimal fractions, interest and “discount, and they are required to make an abstract of some official document to test “their intelligence, and to show that they are able to write and compose correctly.” It was, however, at the same time intimated that, in the opinion of your Lordships, “the “examination should be such as not only to secure the attainments already required, but “also to ascertain whether the candidate has received a good education and has profited “by it, the higher duties of the Treasury being of a nature to call for superior cultivation “and intelligence.”

The examination, as defined in the Parliamentary Paper, is decidedly lower than that to which candidates for clerkships in the department of Inland Revenue have for a considerable period been subjected; and, from the papers which we have the honour to enclose, it will be apparent that it bears no comparison with the standards fixed by the authorities of several other departments.

The letter to which we have referred, while fully recognizing the inadequacy of the present examination, and pointing out with sufficient clearness the object to be aimed at in any reconstruction which may be determined on, does not enter into details, and we have therefore very respectfully to solicit a more definite communication from your Lordships as to the additions which it may be desirable to make to the existing scheme, assuring you at the same time of our willingness to offer, in the first instance if it should be preferred, our own suggestions as to the subjects of examination which we conceive best calculated to test the education which the candidate has received, and the degree to which he has profited by it.

We are, &c.

Sir C. E. Trevelyan to the Civil Service Commissioners.

GENTLEMEN,

Treasury Chambers, 14th February 1856.

I AM commanded to inform you that the Lords Commissioners of Her Majesty's Treasury have had under their consideration your letters dated the 11th ult. and 9th inst., respecting the subjects of examination for clerkships on the establishment of the Treasury, and I am directed to convey to you the best acknowledgments of this Board for the valuable suggestions contained in the former of those letters, and to transmit, for your information, a copy of a paper describing the nature of the examination which their Lordships are of opinion is best suited to the circumstances of this office.

I am, &c.

(Signed) C. E. TREVELYAN.

Enclosure in preceding Letter.

Scheme of Examination.

1. Exercises designed to test hand-writing and orthography. Good hand-writing to consist in the clear formation of the letters of the alphabet.
2. Arithmetic, including vulgar and decimal fractions.
3. First three books of Euclid.
4. History of England.
5. Geography.
6. Translation from one of the following languages:—Latin, French, German, or Italian, the selection being left to the candidate.
7. The preparation of a précis, or abstract of official papers.

Candidates failing to satisfy the Civil Service Commissioners upon these subjects, and showing an entire ignorance and inability upon any one, will not be permitted to proceed further with their examination, and will not be entitled to certificates of qualification.

WAR DEPARTMENT.

WAR
DEPARTMENT.

0106/12

Colonel Mundy to Mr. Maitland.

SIR,

War Department, 17th December 1855.

I AM directed by Lord Panmure to acknowledge the receipt of your letter of the 26th of June, referring to the Order of Her Majesty in Council, regulating the admission of persons to the Civil Service of the Crown, and requesting, by desire of the Civil Service Commissioners, to be furnished with the rules applicable to appointments in the War Department.

As regards the War Office, I am to refer you to the letter from Mr. Hawes, of the 25th July last,* showing the requirements which have been deemed sufficient for that portion of the department.

Lord Panmure has adopted the same standard for the branch department in Pall Mall.

In the Army Medical Department it has hitherto been the practice, as stated in the Director General's letter, of which a copy is enclosed, to confer appointments on gentlemen who have given satisfaction while acting as temporary clerks, but Lord Panmure considers that for the future they should undergo an examination, as in the case of candidates for the War Office.

The course of examination for a junior appointment in the Commissariat, is described in the annexed printed paper, and Lord Panmure, considering the peculiar duties required from the Commissariat, does not propose any present alteration of its existing rules.

There remains the office more immediately that of the Secretary of State, and where the correspondence and business is generally of a higher order than the duties devolving

* See post, p. 97.

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on the subordinate branches, on which account it is proper that the qualifications for a first admission should be higher in proportion. A memorandum which I am to transmit for your information exhibits, among other conditions of appointment, the nature and extent of the information which Lord Panmure will expect gentlemen to possess who are nominated to situations under him in this particular department.

I am, &c.
(Signed) G. MUNDY.

Enclosure 1 in preceding Letter.

Dr. Andrew Smith to Colonel Mundy.

15667/a

Army and Ordnance Medical Department,
20th July 1855.

SIR,

I HAVE the honour to acknowledge the receipt of your letter of the 11th instant, enclosing a copy of a communication from the Secretary to the Civil Service Commission, and requesting me to furnish the rules which have been adopted in the Army Medical Department for ascertaining the qualifications of persons who have been appointed junior clerks in such department, and also with the names of those persons who have been nominated to junior situations since the 21st May last.

In reply, I beg to state, for the information of Lord Panmure, that it has hitherto been the practice to engage gentlemen desirous of employment in the office of the Army and Ordnance Medical Department as temporary clerks until it has been ascertained that they were qualified for permanent appointments as junior clerks.*

With respect to age, instances have occurred of gentlemen having been appointed as young as seventeen years of age, but I am of opinion no person should be considered eligible for junior situations who is under 19 or above 25 years old.

With reference to the concluding part of your communication I beg to state, that no persons have been nominated to situations in this office since the 21st May last.

I have, &c.
(Signed) ANDREW SMITH, Director-General.

(Copy.)

Enclosure 2 in preceding Letter.

COMMISSARIAT.

Qualifications for Clerkships in the Commissariat Department.

Candidates for clerkships upon the establishment of the Commissariat should be not less than 16 years nor above 30 years of age.

They must provide two certificates at least of good character and correct moral behaviour.

Every candidate before his nomination to a clerkship upon the establishment of the Commissariat, will be required to give satisfactory proof that he is well and practically acquainted with the arithmetical rules of—

Practice,	Rule of Three, and
Interest,	Vulgar Fractions.

That he is acquainted with the principles of book-keeping by double entry.

He must write a fair and legible hand, and be capable of composing in English grammatically and correctly.

He must be able to read and translate one of the modern languages.

These preliminary qualifications are indispensable.

It is also to be clearly understood that a candidate, after having passed such examination, and having been admitted provisionally as a clerk upon the establishment of the department, is required to make himself practically acquainted with the system of book-keeping by double entry, and with exchange operations.

He must also acquire a correct knowledge of one, at least, of the modern languages.

His advancement to the rank of a commissioned officer will depend upon the testimony which the chief officer under whom he serves may be enabled to give as to his progress in these acquirements, his industry, his habits of business, and as to his moral and general character as a member of the department.

EXTRACT FROM CODE OF REGULATIONS.

“9. In addition to the above tests of his abilities and usefulness, the general conduct and demeanour of a candidate for advancement in the Commissariat Department should be such as to reflect credit on the profession which he has embraced. It may not be necessary to require a special report in this respect on each individual, but the Secretary of State will mark with displeasure any instance in which a departure from such conduct may come to his knowledge.

* I have the honour to request that the gentlemen named in the margin may be examined by the Civil Service Commissioners, with a view to ascertain their fitness for appointment as temporary junior clerks in the office of the Army and Ordnance Medical Department; and I beg to state that it is necessary they should each write a good clear hand, be acquainted with the ordinary rules of arithmetic, spell correctly, and be capable of inditing an ordinary business letter.
Letter from Dr. Dunbreck, received 10th September 1855.

I have the honour to request that the gentleman named in the margin may be examined by the Civil Service Commissioners, with a view to ascertain his fitness for appointment as a temporary junior clerk in the office of the Army and Ordnance Medical Department. I beg to state that it is necessary he be conversant with the German language for conducting the correspondence connected with the medical department of the Foreign Legion.

Letter from Dr. Dunbreck, received 19th September 1855.

"10. The Secretary of State regards the formation of habits of prudence and economy by the clerks and young officers belonging to the department, as a matter of great importance; private respectability furnishes the best security for useful public service. If in any case it should be a matter of public notoriety that a clerk upon the Commissariat establishment is fettered with pecuniary embarrassment, the Commissariat officer in charge will advert to the circumstance when he reports upon his conduct and qualifications."

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DEPARTMENT.
—
COMMISSARIAT.
—————

Description of Questions usually proposed upon Examination of Candidates for the Appointment of a Clerk on the Establishment of the Commissariat Department.

1. State the value of 849 cwt. of flour at 1*l.* 16*s.* 9½*d.* per cwt.
2. What would be the cost of 5,000 lbs. of salt beef at 2*l.* 15*s.* 4*d.* per cwt.?
3. If the carriage of 8 cwt. of coals 128 miles cost 48*s.*, what would be the charge for 4 cwt. 32 miles at the same rate?
4. What will 100*l.* 6*s.* 8*d.* amount to with compound interest for five years at 5 per cent. per annum, the interest being payable annually?
5. What would be the amount of a salary of 95*l.* per annum, subject to a deduction of 2*l.* 7*s.* 6*d.* per cent. per annum, for one year and 25 days?
6. What would be the charge for fuel for 800 men for 12 months, provided the ration for each man per diem consisted of 1½ foot of wood from the 1st May to the 31st October, and half that quantity for the remainder of the year, the price of the wood being 6½*d.* per foot?
7. Suppose the price of salt meat to be 5½*d.* per pound, the ration to the troops to be 9 ounces per man per diem two days per week, fresh meat being issued five days per week; what quantity would be required to supply 460 men for the month of May, and what would be the cost to the public?
8. Add together $\frac{1}{16}$, $\frac{1}{12}$, and $\frac{1}{13}$.
9. Subtract $\frac{5}{12}$ from $\frac{7}{8}$.
10. Multiply $\frac{5}{9}$ of $\frac{8}{12}$ by $\frac{6}{7}$.
11. Divide $\frac{6}{7}$ by $\frac{5}{8}$.
12. Suppose 6,948½ dollars were purchased at 48½*d.* each, and that they were issued at ½ of a penny more than that rate; what would be the total cost of the dollars, the total amount for which they were issued, and the total gain upon the transaction?

Note.—The working of the several questions to be produced with the answers.

Questions relative to the principles of Book-keeping by Double Entry.

1. Define the terms "double entry," "debit and credit," and explain why two entries in every transaction are required under this system.
2. Describe what is usually understood in book-keeping by the general terms "real accounts," "personal accounts," and "profit and loss account."
3. Describe the books of account necessary in a method of book-keeping by double entry in its most simple form.
4. Prepare forms of such books, and state the purposes which each book is intended to answer.
5. State the difference between the mode of entering a transaction in the waste book and the journal.
6. State what are the two first entries made in the journal by a trader commencing business.
7. In real accounts, on which side of the ledger are articles received entered?
8. If a merchant, not satisfied with the knowledge of the profit or loss on his merchandise generally, should wish to prepare his books so as to give him a view of the profit or loss on each description of merchandise in which he deals, how must he set about it?
9. How are books balanced and closed?
10. If a real account closes with a loss, to which side of the profit and loss account should the balance be carried?
11. What object is the balancing intended to accomplish?
12. If a merchant should be a loser in summing up the whole of his transactions of the year, from what account in the ledger could that information be obtained?
13. If a merchant should prove insolvent on the closing of his books, in what account of his ledger would that result appear?

The candidate must also translate some portion of a work in any one of the modern languages.

He will also be required to write to dictation.

Enclosure 3 in preceding Letter.

Examination for Appointments in the War Department.

In pursuance of an order of the Queen in Council, dated the 21st May last, constituting a commission to conduct the examination of young men nominated to appointments in any of the Civil Departments of Government, by their respective Chief Authorities, and directing the framing of rules relative thereto, Lord Panmure has caused the following rules to be framed for his guidance in deciding upon applications for junior situations in the political branch of the War Department.

1. A candidate must be over 18 years of age and not above 26.

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2. He must appear before a medical board, held at the Army Medical Department, and obtain a certificate of general good health.

3. He must produce certificates of moral character from the master by whom he has been educated, and from clergymen or other persons whose testimony would carry weight.

4. He must pass, subject to the limitations hereafter stated, an examination in the following subjects:—

a. English history and composition.

b. French, which he must be able to speak moderately well, and also to write from dictation.

c. Latin—Tacitus or Livy, to be construed fairly.

d. Arithmetic.

e. Geography.

5. A candidate will obtain more credit for a thorough knowledge of small extent, than for a superficial conversancy of wider range. If, with regard to any of the above separate subjects, he pass with credit in one author of approved excellence, Tacitus for instance for Latin language, or Hallam for English history, he will reach, as regards such division, the present minimum standard Lord Panmure proposes to fix.

6. Lord Panmure leaves it to the Commissioners to conduct the examination *viva voce*, or by written papers, as they may think fit.

Mr. Maitland to Colonel Mundy.

SIR,

Dean's Yard, Westminster, 10th Jan. 1856.

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 17th ult. relative to the examination of candidates nominated to junior situations in the office of the Secretary of State for War at Whitehall, and in various branches of the War department.

In reply, I am to acquaint you, for the information of Lord Panmure, that the Commissioners hope shortly to be able to lay before his Lordship for his final sanction, a statement of the rules applicable to situations of different grades as settled in correspondence with the authorities of the various branches of the War department. On one point only they have to request, from you further explanation. With regard to the Commissariat you have stated that Lord Panmure "does not purpose any present alteration of its existing rules." As specimens of the examination papers hitherto in use are at the same time sent, and the examination might, it would appear, be transferred to this department without an alteration of existing rules, so far as these rules are stated in the paper headed "Qualifications for Clerkships," the Commissioners infer that Lord Panmure considers junior situations in the Commissariat service, as well as those in the Commissariat office as included within the scope of the Order in Council of 21st May 1855. As, however, the terms of your letter are perhaps susceptible of a different construction, I am to request that you will move his Lordship to favour the Commissioners with a further communication on the subject.

I have, &c.

F. Peel, Esq., M.P. to Mr. Maitland.

SIR,

War Department, 1st February 1856.

I AM directed by Lord Panmure to acknowledge the receipt of your letter of the 11th ultimo, relative to the examination of candidates nominated to junior situations in the office of the Secretary of State for War, and in the several branches of the War Department.

Since the transmission of my letter of the 17th December, the Lords Commissioners of Her Majesty's Treasury have consented to an arrangement proposed by Lord Panmure. This arrangement was grounded upon the recommendation of a committee appointed to make a definite distribution of the duties of the several offices placed under the Secretary of State for War, and the whole of these offices are in future to be consolidated into one department, and the clerks in any one of the divisions are to be available for, and transferable to, any branch of the War Department.

The Lords Commissioners of Her Majesty's Treasury have communicated to the Civil Service Commissioners a copy of their minute upon this subject.

The duties to be assigned to the central office of the Secretary of State will be as much as possible confined to the direction and control of the different branches of the department, and ultimately the central office will be composed of persons selected from the other branches on account of their practical experience, zeal, and ability.

It will therefore henceforth be necessary only to have one scale of examination for candidates nominated for the War Department generally, and the Secretary of State for War is of opinion that the course of examination prescribed by Mr. Hawes and Mr. Monsell, in the letter of the 25th July 1855, should be generally adopted for the War Department, which will include all the several divisions stated at page 6 of the printed paper transmitted by the Lords Commissioners of Her Majesty's Treasury to the Civil Service Commissioners.

It is therefore the wish of the Secretary of State for War that Messrs. _____ and _____, who were examined under the rules laid down in my letter of the 17th December last, may again appear before the Commissioners to be re-examined, according to the rules established by Mr. Hawes and Mr. Monsell.

With respect to persons appointed as clerks in the Commissariat Department for service as a portion of the army, it does not seem necessary to Lord Panmure to alter in any manner the mode of examination which has hitherto been pursued, the appointments being all upon probation; but the appointments in the commissariat division of this department are to be subject to the same examination as for ordinary clerkships.*

I am, &c.

(Signed) J. PEEL.

WAR
DEPARTMENT.

WAR OFFICE.

WAR OFFICE.†

Mr. Hawes to Mr. Spedding.

(*Extract.*)

25th July 1855.

In reply to your letter of the 22d ult., desiring to know the rules and arrangements which are in practice in this branch of the War Department, with a view to ascertain the qualification of young men who are candidates for permanent appointments in this office, I have the honour to inform you that they are subjected to examination in conformity with the scheme laid down in the paper annexed. The examiners are the Rev. W. S. O. Dusautoy, M.A., head master of the normal school, Royal Military Asylum, assisted by Mr. McLeod, the upper master of the model school, and the names of the candidate or candidates placed after examination at the head of their list, in the order of marks they obtain, are invariably selected.

The Commissioners also, in the letter already referred to, desire to be furnished with any suggestions on this subject which may be thought to require their attention. So far as this office is concerned, it would seem only desirable to consider and determine upon the "curriculum" to be adopted for the various branches of the War Department, in order that the examination for junior clerkships may be the same in all cases. With this view I have communicated with Mr. Monsell, the clerk of the Ordnance, and we are agreed that the subjects of examination should be the following, viz:—

Latin, or one foreign language (French or German, for instance).

Arithmetic, up to vulgar and decimal fractions.

English composition—a précis of official papers.

Writing from dictation.

Geography.

History, general outlines of.

The handwriting should be certified to be clear and legible.

Candidates should have the option of being examined upon any special branch of knowledge, which they should be allowed to name.

It only remains to be added, that the age of admission into the War Office has been from 18 to 25.

Mr. Hawes to Mr. Spedding.

(*Extract.*)

30th August 1855.

I am directed to acquaint you that the object of the War Office in engaging temporary clerks to meet the immediate pressure of business consequent on the war, is to obtain men of formed habits of business, and who can therefore at once, and without much instruction, assist those to whom the general duties of the office are entrusted. But a candidate otherwise eligible, and possessing the undermentioned qualifications, would not be rejected, according to our present practice, for these temporary clerkships.

The immediate and positive qualifications, therefore, which are required on the part of this class of temporary clerks are:

1. Good clear handwriting.

2. A knowledge of the ordinary rules of arithmetic, combined with some quickness at figures.

3. Capability of writing a good business letter, and to be between the ages of 18 and 40.

ORDNANCE OFFICE.

ORDNANCE
OFFICE.†

Mr. Wood to Mr. Spedding.

(*Extract.*)

25th September 1855.

There are three classes of clerks, viz:—

Established.

Extra.

Temporary.

The first two classes are to be examined according to the new synopsis.

With regard to the temporary clerks, I am to observe, that Mr. Monsell is willing to apply to them the regulation agreed to by the War Office for the examination of "temporary quarterly clerks;" and that the qualifications required of them should be limited to "good clear handwriting, a knowledge of the ordinary rules of arithmetic, combined with some quickness at figures, and capability of writing a good business letter."

* The correspondence upon this subject is not yet completed.

† It has been thought convenient to retain these designations for the purpose of the present Report.

WAR
DEPARTMENT.
—
ORDNANCE
OFFICE.
—

Mr. Wood to Mr. Maitland.

War Department, Pall Mall,
10th November 1855.

SIR,

I AM directed by Lord Panmure to acquaint you that his Lordship has decided that all candidates for appointments to clerkships at the out-stations are to be examined in the following subjects, viz.,—

1. Writing from dictation.
2. Correspondence.
3. Arithmetic, including vulgar and decimal fractions.
4. Book-keeping.

At the same time all candidates for out-station clerkships are to be allowed, if they please, to be examined in the subjects required for admission into the London offices. Those who pass the higher examination will be eligible for promotion into the London offices while the others will, of course, not enjoy that advantage.

I have, &c.

Mr. Maitland to Mr. Wood.

SIR,

30th November 1855.

ADVERTING to your letter of the 10th instant (0.779), relative to the examination of candidates for clerkships at the out-stations of the War Department, and to the correspondence which has subsequently taken place, I am directed by the Civil Service Commissioners to request that you will call the attention of the Secretary of State for War to the following observations on one of the subjects included in the proposed synopsis, viz., book-keeping.

The Civil Service Commissioners are fully aware that for certain employments acquaintance with book-keeping is, from the very commencement, a qualification of great practical importance. In every case, therefore, in which a clerk will at the commencement of his official duties be entrusted with a charge for which such knowledge is required, the Commissioners will be prepared to examine in the subject, and to withhold certificates from those not duly qualified. It will only be necessary that the cases comprised in this class should be sufficiently defined. On the other hand, in cases where familiarity with book-keeping is not practically essential to a clerk at his first entrance on his duties, it appears to the Commissioners that the knowledge which may ultimately be desirable will be best attained in the office itself, and under the instruction of senior members of the establishment. It should be added that, owing to the peculiarities of the different methods, a candidate, whatever may be his previously acquired knowledge, must have much to learn before he can be thoroughly familiar with a system, the details of which are almost certain to vary extensively from those of the system which he may previously have learned.

I am further to observe that the experience derived from numerous examinations conducted under this distinction has led the Civil Service Commissioners to the conclusion that, regarded as a test of natural intelligence and educational attainment, book-keeping is not an acquirement which it is desirable to include among the prescribed subjects of examination. If, therefore, it has been proposed with this view, it appears worthy of the consideration of the Secretary of State for War whether some substitution might not advantageously be made in the general synopsis—book-keeping being retained in these cases only which fall within the class indicated at the commencement of this letter.

It is probable that the Commissioners may at an early period be able to offer to several of the departments with which they are in communication suggestions founded on the experience which they have acquired in the conduct of examinations; but as their views are not yet fully matured, they do not wish at present to recommend any alteration, except the substitution for book-keeping of some subject which may be a better test of natural intelligence and educational attainment. As to the particular subject to be selected they will be glad to be favoured with a communication from the War Department.

I have, &c.

Mr. Wood to Mr. Maitland.

War Department, Pall Mall,
30th Nov. 1855. c/8197.

SIR,

IN reference to your letter of this day conveying the suggestion of the Civil Service Commissioners that some subject, which may be a better test of natural intelligence and educational attainment may be substituted for book-keeping in the examination of clerks for appointments in this department, except in the cases of clerks who will, at the commencement of their official duties, be entrusted with a charge for which such knowledge is required.

I am directed to acquaint you that the Secretary of State for War approves of the suggestion of the Commissioners, and has decided that "*English history*" and "*outlines of geography*" shall be substituted for *book-keeping*, under the restriction before adverted to.

I am, &c.
(Signed) J. WOOD.

*Mr. Maitland to Mr. Wood.*Civil Service Commission,
1st December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 30th ult. (c/8197) relative to the substitution of English history and the outlines of geography for book-keeping by double entry in the examination of candidates for clerkships not temporary at the out-stations of the War Department.

And I am to acquaint you that the Civil Service Commissioners will for the future consider the "prescribed subjects" in this case will be,—

1. Writing from dictation.
2. Correspondence.
3. Arithmetic, including vulgar and decimal fractions.
4. English history and the outlines of geography.

Candidates belonging to this class will be examined in book-keeping in those cases only in which a wish that they should be so examined has been previously notified, and in the absence of an intimation to the contrary the examination will in such cases be in book-keeping by double entry.

I have, &c.

*Mr. Wood to Mr. Maitland.*War Department, Pall Mall,
3d Dec. 1855. c/8207.

SIR,

IN reference to your letter of the 1st instant relative to the course which the Civil Service Commissioners propose to adopt in the future examination of candidates for clerkships not temporary at the out-stations of this department;

I am directed to acquaint you that the Secretary of State for War approves of the arrangements proposed by the Commissioners.

I am, &c.

(Signed) J. Wood.

*Mr. Wood to Mr. Maitland.*War Department, Pall Mall,
20th Dec. 1855. m/1100.

SIR,

THE Secretary of State for War having nominated Mr. to a clerkship in the storekeepers' department at Colombo, if he be of fit age, and in other respects prove qualified, I am directed to apprise you of the same, and to request you will move the Civil Service Commissioners to favour the Secretary of State with information as to the course which should be pursued in this case.

I am, &c.

(Signed) J. Wood.

*Mr. Maitland to Mr. Wood.*Civil Service Commission,
26th December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of the 20th instant (m/1100) communicating the nomination of Mr. to the junior situation of clerk in the storekeepers' department at Colombo, and intimating the wish of the Secretary of State for War to be informed as to the course which should be pursued.

In reply, I am to acquaint you that the course pursued by the Commissioners in other cases of a somewhat analogous character has been to transmit in sealed packets through the departments to which candidates have been nominated, the examination papers required. These packets have been sent by the department to local officers, whose integrity and discretion could be relied on, and have been returned by these officers, together with the exercises prepared by the candidates.

Presuming that the Secretary of State for War will approve of this mode of proceeding, I enclose, by the direction of the Civil Service Commissioners, papers for the examination of Mr. , requesting that you will address and forward them to the local officer of the War Department whom you may judge best qualified. The sealed packet contains, in addition to the necessary examination papers, instructions as to the evidence of age, health, and character which should be required, the conduct of the examination, and the most convenient mode of returning the papers.

I have, &c.

*Mr. Wood to Mr. Maitland.*War Department, Pall Mall,
28th December 1855.

SIR,

I AM directed by the Secretary of State for War to acquaint you, for the information of the Civil Service Commissioners, that it is desirable to have a competing examination as soon as possible of candidates for clerkships in Pall Mall.

2. And I am to take this opportunity of drawing the Commissioners' attention to the several examinations that have taken place for clerkships in this department. I am to explain that all candidates highly recommended as to character, have had the syllabus of

WAR
DEPARTMENT.
—
ORDNANCE OFFICE.

the examination sent to them, and on declaring themselves capable of passing it, have been sent up to be examined.

3. Gentlemen in this office connected with schools or universities, and in one instance some of the Civil Service Commissioners, have been requested to seek for eligible candidates.

4. All the candidates so recommended have been permitted to compete for the vacant clerkships without being subjected to any preliminary examination in this office.

5. It is obvious that such examinations might, if not conducted by persons thoroughly acquainted with the mode of examination of the Civil Service Commissioners, lead to erroneous conclusions; neither would it be possible to guard altogether against favoritism.

6. I am to request you will move the Civil Service Commissioners to state whether they consider the system that has been adopted to be, upon the whole, that which, if rigidly carried out, will in the long run be attended with the most beneficial results; or whether their experience enables them to point out any improvements which could lighten their labours, without incurring the risks that have been pointed out.

I am, &c.
(Signed) J. WOOD.

Mr. Maitland to Mr. Wood.

Civil Service Commission,
29th December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acknowledge the receipt of your letter of yesterday's date, in which, after acquainting me for their information that it is desirable to have a competing examination as soon as possible of candidates for clerkships in a Pll Mall, and stating the course hitherto pursued in the nomination of candidates, you request the opinion of the Commissioners on the merits of the existing system, and any suggestion which they may be able to offer for its improvement.

In reply I am to acquaint you that the Commissioners would be most unwilling to advise any alteration which should tend to diminish the number of candidates admitted to their examinations. They do not anticipate any difficulty in procuring the necessary assistance, and for any additional trouble which may be entailed upon themselves they will be fully compensated by the belief that the interests of the public service will be advanced by their labours. They will, therefore, be prepared to receive candidates as often as the Secretary of State for War may think proper to send them, and the extent of accommodation at their disposal is so considerable that it is hardly necessary to fix a limit as to the numbers admissible on each occasion.

With regard to the subjects at present prescribed for the Pall Mall office and for the out-stations, the Commissioners have at present no alterations to suggest, but in the mode of conducting competing examinations they conceive that a modification may advantageously be introduced.

It has hitherto been the practice in competing, as well as in pass examinations, for the War Department to permit each candidate to display his proficiency in all the subjects of examination, reserving, until the whole had been concluded, their decision upon his qualifications. On the other hand, in a competing examination for junior situations in the department of the Committee of Privy Council for Education held in the course of last month, the final and competing examination was preceded by a pass examination, limited to the particular subjects which were in that case deemed most important, all candidates who did not acquit themselves satisfactorily in the first being excluded from the second. This plan, which answered as the Commissioners believe exceedingly well in the case referred to, may perhaps be adopted with advantage in competing examinations for the War Department. Good hand-writing, correct orthography, and a competent acquaintance with arithmetic, including vulgar and decimal fractions, are accomplishments required both for the Pall Mall office and for out-stations. They are also required in almost every other department of the Civil Service, but deficiencies in these indispensable requisites, particularly in orthography, account for the great majority of rejections which have hitherto taken place. The Commissioners would therefore suggest that, if one day were devoted for a preliminary and pass examination, and if clear, legible hand-writing, orthography free from all serious faults, and a competent knowledge of arithmetic, were in that examination made indispensable requisites, the labour of their assistant examiners and the time necessarily occupied would be much abridged, without injustice to the candidates or inconvenience to the public service. It will only be necessary that an interval of a day or two should be left between the two examinations, in order to allow time for inspection and decision.

Should the Secretary of State for War see no objection to the plan which has been suggested, the Commissioners will adopt it in future competing examinations, conducted under their directions.

I have, &c.

Mr. Wood to Mr. Maitland.

War Department, Pall Mall,
2d January 1856. c/5999.

SIR,

I AM directed by the Secretary of State for War to acknowledge the receipt of your letter dated 29th December, stating in answer to mine of the 28th, o/892, the views of the

Civil Service Commissioners with respect to a "preliminary and pass examination of candidates for situations in this department," and I am to acquaint you, for the information of the Commissioners, that the Secretary of State for War approves of their suggestions.

I am, &c.

(Signed) J. WOOD.

WAR
DEPARTMENT.

ORDNANCE OFFICE.

COMMANDER-IN-CHIEF'S OFFICE.

Colonel Yorke to Mr. Spedding.

4th July 1855.

(Extract.)

No appointment has taken place in this department since the 21st of May last; but whenever such may be the case hereafter, care will be taken to communicate with you in respect to the rules and arrangements which exist in this office, with reference to the several heads mentioned in your letter under acknowledgment.

COMMANDER-IN-
CHIEF'S OFFICE.

ADJUTANT GENERAL'S OFFICE.

Mr. Houndle to Mr. Spedding.

29th June 1855.

(Extract.)

The rule which has existed in the Adjutant General's Office, has been to test, by probation, the abilities of gentlemen recommended for clerkships, such a course being absolutely necessary, on account of the peculiar and multifarious details transacted therein with so limited an establishment of clerks, too small even for a time of peace, for the regular arrangement of the various statistical information required by Parliament and the Government departments.

I am to add, that attention has always been paid to the several heads specified in your letter, in respect of the appointment of gentlemen to clerkships in this department.

This reply has been sent under the sanction of the Adjutant General, who will be glad to be favoured with the further communication on the subject alluded to in the concluding paragraph of your letter.

ADJUTANT
GENERAL'S
OFFICE.

JUDGE ADVOCATE GENERAL'S OFFICE.

Hon. C. P. Villiers to Mr. Horace Mann.

21st June 1855.

(Extract.)

The requisite qualifications are, that he be of good character, write a good hand, be an accurate copying clerk, and appear to have such amount of capacity as will enable him in course of time to discharge higher duties in the office.

There is no fixed rule as to age.

JUDGE ADVOCATE
GENERAL'S
OFFICE.

QUARTERMASTER GENERAL'S OFFICE.

Quartermaster General to Mr. Spedding.

9th Sept. 1855.

(Extract.)

The Quartermaster General considers it desirable to limit the examination of candidates for admission to the offices of the Quartermaster General's department to the following particulars, viz.

- 1st. That the hand-writing be neat, perfectly legible, and performed with facility;
- 2d. That the candidate possess the power of writing English freely and correctly from dictation; and
- 3d. That he have a knowledge of the first four rules of arithmetic.

Quartermaster General to Mr. Spedding.

13th Sept. 1855.

(Extract.)

Although no precise rules have been established by me in regard to the candidates for clerkships in this office, my practice has been to appoint young men from the age of 16 to 25, and, as a matter of course, to require that their characters should be irreproachable and their health good.

QUARTERMASTER
GENERAL'S
OFFICE.

RECRUITING DEPARTMENT.

Mr. Bruce to Mr. Spedding.

16th August 1855.

(Extract.)

No particular rules or arrangements have hitherto been established in this department with respect to junior appointments, beyond ascertaining the proper fitness and qualifications of the young men proposed to be nominated. The instructions conveyed in your letters will be duly attended to on future vacancies occurring.

RECRUITING
DEPARTMENT.

WAR
DEPARTMENT.

MILITARY OFFICES IN DUBLIN.

*Lord Seaton to the Civil Service Commissioners.*MILITARY OFFICES
IN DUBLIN.

GENTLEMEN,

Royal Hospital, Dublin,
December 29, 1855.

I HAVE the honour, in compliance with the directions of Lord Panmure, to place myself in communication with you in regard to the qualifications for junior clerkships in the military offices in Dublin, and to state that I consider the rules laid down for the admission of persons seeking appointments in the War Department in London (a copy of which I herewith forward to you), would meet all the requirements necessary to ascertain the fitness of candidates for either permanent or temporary employment in the military departments in this country.

I have, &c.

(Signed) SEATON, General Commanding.

FOR PERMANENT APPOINTMENTS.

Limits of age, 18 and 25.

Subjects of Examination :

Latin, or one foreign language (French or German, for instance).

Arithmetic, up to vulgar and decimal fractions.

English composition—a précis of official papers.

Writing from dictation.

Geography.

General outlines of history,

The hand-writing to be certified to be clear and legible, and candidates to be examined upon any branch of knowledge, which they may be allowed to name.

FOR TEMPORARY APPOINTMENTS.

Limits of age, 18—40.

Good clear hand-writing.

Knowledge of the ordinary rules of arithmetic (addition, subtraction, multiplication, and division).

Capability of writing a good business letter.

WOODS
(OFFICE OF).

WOODS (OFFICE OF).

Commissioners of Woods, &c., to Mr. Maitland.

SIR,

Office of Woods, 6th December 1855.

WE beg leave to acknowledge the receipt of your further communication of the 19th September last, requesting on behalf of the Civil Service Commissioners, as regards the examination of candidates for appointments in the Office of Woods and Forests, that the Commissioners may be informed what the particular subjects are in which some proficiency is to be regarded as indispensable, and requesting that they may be specified with as much distinctness as practicable.

Having given the subject our most attentive consideration, in connexion with the ordinary duties which a junior clerk would be called upon to perform in this office, and those which may eventually be required of him, we beg to state for the information of the Civil Service Commissioners that, in our opinion, a course of examination embracing the following subjects would tend to secure the services of efficient officers:—

1. Writing English from dictation, legibly, correctly, and quickly.
2. English composition, and facility in making a précis or digest of papers.
3. Arithmetic, including vulgar and decimal fractions.
4. The leading points in English history.
5. Geography.
6. Translation from French.
7. Translation from Latin.
8. An elementary knowledge of the principles of English law as regards real property. (The books which it appears to us would be best adapted to this purpose are—Woodfall's Landlord and Tenant, and the three first volumes of Sergeant Stephen's Commentaries on Blackstone.)
9. General principle of book-keeping.

We consider that some knowledge of all these several branches of study, and a proficiency in the subjects numbered 1, 3, 4, 5, and 7, are essential for the effective discharge of the duties of this office.

The duties which a junior clerk on his entrance into an office is called upon to perform are frequently, and necessarily, of a merely mechanical nature; but we are of opinion that, unless the candidate for such an appointment shall be found to be well grounded in these branches of education, there is but little prospect of his becoming qualified for the performance of the higher duties of the department.

We would further suggest that no person should be eligible for a nomination as a junior clerk who is under 17 or above 25 years of age, and that candidates should be required to

produce before the Commissioners a certificate of age, a certificate from some medical man to whom they are personally known that they are free from any physical defect or disease which would be likely to interfere with the efficient discharge of their duties, and a certificate of good character and moral conduct. At the same time we think it right to observe, that as the whole patronage of this department is vested in the Lords Commissioners of Her Majesty's Treasury by the Act 14 & 15 Vict. c. 42., it will not be in our power to afford the Commissioners information upon these points.

We are, &c.
(Signed) CHARLES GORE.
JAMES HOWARD.

Mr. Howard to Mr. Maitland.

SIR,

Office of Woods, &c., 12th February 1856.

In the letter which we addressed to Mr. Spedding on the 6th December last, we submitted, for the consideration of the Civil Service Commissioners, a list of the subjects proper to be adopted in the examination of persons appointed to junior clerkships in this office; and, as the business of this department is almost entirely connected with the management of landed property, we stated our opinion as to the expediency of all persons about to enter the office as junior clerks being required to possess an elementary knowledge of the principles of English law as regards real property.

We have now to state that it has been represented to us that no person possessing those special qualifications has been found willing to accept the appointment at the rate of salary attached to it, and we are therefore under the necessity of requesting that the Civil Service Commissioners will not require persons nominated to clerkships in this department to undergo any examination on the subject of English law.

We are, &c.
(Signed) CHARLES GORE.
JAMES HOWARD.

WORKS, (OFFICE OF).

WORKS
(OFFICE OF).

(Extract.)

Mr. Thornborrow to Mr. Spedding.

14th Sept. 1855,

I am directed to acquaint you, that the Lords of the Treasury have nominated Mr. to the situation of junior clerk in this department.

The qualifications which Mr. should possess for the proper performance of the duties which would be assigned to him are, general intelligence, a competent knowledge of arithmetic, legible handwriting, and ability to compose a letter with correctness.

Mr. Spedding to Mr. Thornborrow.

15th Sept. 1855.

The Commissioners understand "a competent knowledge of arithmetic" to include a knowledge of reduction, proportion, practice, interest, vulgar fractions, and decimals, as well as of the first four rules.

(Extract.)

Mr. Thornborrow to Mr. Spedding.

18th Sept. 1855.

I have to add, for the guidance of the Commissioners, with reference to the concluding paragraph of your letter, that vulgar fractions and decimals are not used in calculations connected with the accounts of this office upon which Mr. will be employed.

DEPARTMENTS IN SCOTLAND.

CALEDONIAN CANAL.

DEPARTMENTS IN
SCOTLAND.

CALEDONIAN
CANAL.

(Extract.)

Mr. Smith to Mr. Spedding.

6th August 1855.

In answer to the printed queries in reference to the establishment of the Caledonian Canal, I beg to say, that it consists of a resident engineer and superintendent at Inverness; of two collectors, both possessed of competent engineering knowledge, and both on the establishment for many years.

The lock-keepers are all mechanics, capable of executing all ordinary repairs of the works, or labourers of good character.

FISHERIES (BOARD OF).

FISHERIES
(BOARD OF).

Hon. B. F. Primrose to Mr. Maitland.

Board of Fisheries, Edinburgh,
14th January 1856.

REFERRING to your letter of the 26th ultimo, I am to state, for the information of the Civil Service Commissioners, that it has become necessary to bring their regulations into operation, in the case of a clerk who has been selected to fill a vacancy.

FISHERIES
(BOARD OF).

Arrangements for furnishing certificates of age, health, and character, will be made in accordance with the circular of 31st December 1855, received from the Civil Service Commission, adopting those headings from the circular that may be found fitted to the case, and I am to request such further instructions, or papers, as may be necessary, assuming the basis of examinations to be,—

Correct orthography.

Good hand-writing, and the capability of writing an ordinary business letter.

Arithmetic—The first four rules and the rule of three, with book-keeping by single entry.

I have, &c.

B. F. PRIMROSE,
Secretary.

GENERAL REGIS-
TRY OF BIRTHS.

GENERAL REGISTRY OF BIRTHS.

Mr. Seton to Mr. Spedding.

(*Extract.*)

16th July 1855.

No nominations to junior situations have been made in this department since the 21st of May last. At an early period, however, the Registrar General will be prepared to furnish the Civil Service Commissioners with all the information in his power, according to the request of the Commissioners.

HIGHLAND ROADS.

HIGHLAND ROADS.

Mr. Smith to Mr. Spedding.

(*Extract.*)

5th August 1855.

Referring to the letter on the subject of the establishment of the Commissioners for Highland Roads and Bridges, I beg to state, that it consists of a superintendent resident at Inverness, and of six sub-inspectors, of approved character and skill in judging of or executing all operations connected with the making or repair of roads, and of masonry.

NORTHERN
LIGHTHOUSES.

NORTHERN LIGHTHOUSES.

Mr. Cunningham to Mr. Spedding.

(*Extract.*)

17th July 1855.

I have to acknowledge the receipt of your letter of yesterday's date, calling the attention of the Commissioners of Northern Lighthouses to the Order in Council of the 21st May 1855; and have to acquaint you that the same shall be laid before the Commissioners at their first meeting.

Meantime, I may state that no person has been nominated to junior situations since May last, presuming that the application has reference to the establishment of the Board as fixed by Order in Council dated 8th February last.

Mr. Cunningham to Mr. Spedding.

(*Extract.*)

20th July 1855.

No persons have been appointed by the Commissioners of Northern Lighthouses since 21st May last to extra or temporary, which will lead to their appointment to situations in the fixed establishment, or entitle them to any preference.

Mr. Cunningham to Mr. Spedding.

Northern Lighthouse Office, Edinburgh,
9th February 1856.

The Commissioners of the Northern Lighthouses in answer to the communications from the Civil Service Commissioners to them, dated 16th and 19th July, and 5th September last, have the honour of reporting as follows:—

1st. In the appointment of their principal officers, viz. the secretary and the examiner of accounts, persons have been invariably selected on account of their previous qualifications and position in other professions, viz. the secretary from his qualifications and position as an attorney and law agent; and the examiner of accounts from his qualifications as an accountant, and there is no probability of any person being promoted from a lower office in the Board to any of these offices. The rules therefore made by the Order in Council with regard to appointments to junior situations in the Civil Service do not seem to apply to such cases.

2d. With regard to other appointments of persons not previously holding offices in the Board the foresaid rules, both as to the matters to be ascertained previous to the appointment and the period of probation required before a final appointment is made, seem to be applicable.

The junior officers who hold these appointments are;

	£
1st clerk - - - - -	150
2d „ - - - - -	70
3d „ - - - - -	70
4th „ - - - - -	60

NORTHERN
LIGHTHOUSES.

As to the requisites specified in the Order in Council as to be ascertained before granting a certificate to a candidate; the Commissioners beg to state,

1st. That they fix no particular age at which a candidate may be admitted to the foresaid offices.

2d. That they of course take care to satisfy themselves of the second.

3d. And also of the third requisite.

4th. As to the fourth requisite the following explanation is necessary:—

The persons above referred to often enter the office of Northern Lighthouses as junior clerks at the smallest salary above specified, being able to write a distinct hand, and capable of acting as copying clerks, or doing the business intrusted to a young clerk or apprentice, but without their general or business education completed. Both these go on while they remain in the office, and according to their capacities and proficiency they may advance from the place of junior to that of senior clerk or of book-keeper; but there is no probability of their reaching higher offices. Their qualifications therefore on entering the office are moderate, and their utility and success depend essentially on their improvement after they have entered the office.

It is undoubtedly proper that under these limitations their qualifications as specified in the Order in Council should be ascertained and certified. But it is submitted, that unless in special cases, it would be expedient for the Commissioners not to require their attendance in London, but to empower some person duly qualified to examine them here, and report the result to the Commissioners, and particularly to report whether they have the qualifications required in the four articles already referred to.

As to the six months probation referred to in the Order in Council the Commissioners of Northern Lighthouses suggest that after the candidates for the foresaid offices have undergone that probation, the secretary should be required, as the officer who has the best means of ascertaining their fitness, to certify it before their final appointment.

In the case mentioned in the last paragraph of the Order in Council of a person of mature age being appointed, who has acquired special qualification in other pursuits, the Commissioners of Northern Lighthouses submit that the secretary as chief of the department should record the appointment in the manner directed by the Order in Council.

PRISONS DEPARTMENT.

PRISONS DEPART-
MENT.

Mr. Burton to Mr. Spedding.

(Extract.)

3d August 1855.

The permanent staff is small, consisting of a secretary, a chief clerk, an assistant clerk (whose situation is the only one to which the term “junior situation” properly applies), an accountant, and a messenger.

The General Board have the appointment of the officers of the General Prison at Perth. These officers are paid out of the Parliamentary votes. The subordinate appointments are made through the instrumentality of the Governor.

The officers of the County Prison Boards are appointed by these Boards, subject to a certain control by the General Board, and are paid by their respective counties.

The Board will be ready to furnish whatever further information may be desired by the Civil Service Commission.

QUEEN'S AND LORD TREASURER'S REMEMBRANCER'S OFFICE.

QUEEN'S AND LORD
TREASURER'S
REMEMBRANCER'S
OFFICE.

Mr. Henderson to Mr. Maitland.

(Extract.)

14th January 1856.

I am of opinion that examination on the following accomplishments detailed in the scheme, is all that, in the circumstances, can be reasonably required of entrants:

1. Exercises designed to test hand-writing and orthography.
2. Arithmetic, including vulgar and decimal fractions.
3. English History.
4. Geography.
5. Latin, or a foreign language.
6. English Composition.

Mr. Henderson to Mr. Maitland.

(Extract.)

21st January 1856.

In the absence of any knowledge of a limitation of age being presently prescribed by the Civil Service Commissioners, I would take the liberty of suggesting that, for this department at least, that limitation might be confined to candidates above 18 and below 28 years of age.

QUEEN'S AND LORD
TREASURER'S
REMEMBRANCE'S
OFFICE.

Mr. Maitland to Mr. Henderson.

(*Extract.*)

24th January 1856.

The Commissioners will, in accordance with the opinion which you have been good enough to communicate to them, regard 18 and 28 as the limits of age in the department of the Queen's and Lord Treasurer's Remembrancer.

SASINE OFFICE.

SASINE OFFICE.

Mr. Fraser to Mr. Spedding.

(*Extract.*)

18th July 1855.

There are only three established clerkships in this department. The present clerks were appointed by the Principal Keeper, with the sanction of the Lords of Her Majesty's Treasury, whose approval is necessary to all such appointments.

All of these clerks had been for many years employed in the Sasine Office, when it was a private office, down to the year 1846. They were then selected on account of their experience of the business.

The engrossing clerks, again, are appointed only during the pleasure of the Principal Keeper, and can be removed by him at any time, in the event of their duties not being performed in a satisfactory manner.

No appointment of clerks has been necessary to be made in this department since the 20th of May last.

SUPERVISION
(BOARD OF).

SUPERVISION (BOARD OF).

Mr. Campbell to Mr. Spedding.

(*Extract.*)

24th August 1855.

I am directed to state that the Board has not by any special rules determined the mode in which the qualifications of young men appointed to the junior situations in this office are to be tested. Such appointments have hitherto been made on the recommendation of the Chairman, in communication with the Secretary, after careful inquiry as to character, and 12 months' probation.

The attainments which have been required of the junior clerks employed by the Board are a competent knowledge of English and of arithmetic; but the qualifications to which the Board attaches the greatest importance in the selection of its clerks, all of whom are liable to be employed in distant places, are good sense, self control, candour, and rectitude.

DEPARTMENTS IN
IRELAND.

CHIEF SECRETARY'S
OFFICE.

DEPARTMENTS IN IRELAND.

(Copy.)

CHIEF SECRETARY'S OFFICE.

Lieutenant-Colonel Larcom to Mr Spedding.

SIR,

Irish Office, London, July 1855.

I HAVE to acknowledge the receipt of your letter of the 11th instant, desiring, on the part of the Civil Service Commissioners, to be informed what rules and arrangements exist in the office of the Chief Secretary to the Lord Lieutenant of Ireland, and to be furnished with any suggestions on the subject which the Chief Secretary might think it necessary to offer.

And in reference thereto I have to acquaint you for the information of the Commissioners, that the present regulations for the admission of clerks into my office and the offices connected therewith, viz., Inspectors general of prisons, Directors of convict prisons, and Inspectors of lunatic asylums, are as follows:—

The candidate must be between the ages of 18 and 24.

He is examined in,—

1. Writing from dictation.
2. Arithmetic, including vulgar and decimal fractions.
3. Abstract of a file of papers, and drawing up an official letter upon them.

His examination is submitted to the Chief or Under Secretary, who, in conjunction with the Assistant Under Secretary, in the case of the Chief Secretary's office, or with the heads of the three other offices respectively, as the case may be, pronounce upon his fitness.

The age is not now ascertained by a certificate. It is taken on the statement of the party.

Inquiry into character is not now made. It rests with the person who recommends.

Neither is an inquiry made to ascertain that the candidate is free from physical defect or disease.

As regards the three latter qualifications of age, health, and moral character, I am strongly of opinion that they should be ascertained in each case by a formal certificate, and I also think it may be desirable for the Chief Secretary's office, at least, if not for the other three connected offices, to raise the standard of qualification by the addition of history and geography, perhaps also of a Latin classic; and also that in English composition a higher test should be prescribed than at present exists.

I have, &c.

(Signed) THOS. A. LARCOM,
For the Chief Secretary.

Colonel Larcom to Mr Spedding.

30th October 1855.

Sir,
I am to acknowledge the receipt of your letter of the 26th instant, relative to the examination for the junior clerkship in the Chief Secretary's Office, and in reply to state, for the information of the Civil Service Commissioners, that it is the wish of the Chief Secretary that the examination should take place in Dublin; and that, until local examiners shall be appointed, he does not object to the mode of examination pointed out in your letter.

The Chief Secretary has made known to each candidate:—

1. That he must be between 18 and 25 years of age, to be proved by the production of baptismal certificate or other satisfactory evidence.

2. That he must produce satisfactory certificates of good character and general deportment, from known persons cognizant of his previous career, and to whom he can now refer.

That he must produce satisfactory certificates of soundness of health and constitution.

Candidates have been informed that the examination will be such as shall test their ability and qualifications on the following subjects:—

1. Writing from dictation.
2. Arithmetic, including vulgar and decimal fractions.
3. Abstracts and précis of papers.
4. Geography.
5. History.

It has also been intimated to them that the examinations will be conducted under the direction of the Commissioners appointed by Her Majesty's Order in Council of 21st May 1855, and that they will be held in Dublin on the 14th of November.

I am to state that the Chief Secretary thought it necessary to name the day, and trusts it will not be inconvenient to the Commissioners.

I have, &c.

Mr. Maitland to Colonel Larcom.

18th January 1856.

(Extract.)

With regard to the limits of age, I am to observe the communication to which you refer, though mentioning 25 as the limit which it was deemed desirable to fix in the approaching examination of candidates for an appointment in the Chief Secretary's office, had not been understood to propose an alteration applying, generally, both to that office, and to the others connected with it.

The Commissioners will for the future, in compliance with the wish which has been expressed, regard 18 and 25, as the limits of age prescribed in the offices of the Chief Secretary, the Inspector General of Prisons, the Director of Convict Prisons, and the Inspectors of Lunatic Asylums.

CONSTABULARY OFFICE.

Mr. Browning to Mr. Spedding.

3d August 1855.

(Extract.)

No limits have hitherto been defined in respect to the age of candidates for appointments to this office, although there seems no reason why the rules adopted in other departments with reference to this particular should not be enforced in this.

It has not been the practice to subject the candidate to a medical examination, although such an examination might easily be performed by the surgeon of the constabulary force.

Every candidate nominated to such an appointment is subjected to examination, as regards hand-writing, orthography, English composition, the fundamental rules of arithmetic, and a general knowledge of the geography of this part of the United Kingdom.

Although the regulations under which constabulary cadets are admitted into the force have no immediate bearing on the subject of this letter, the Inspector-General thinks it may be useful to enclose a copy thereof for the Commissioners' perusal.

CONSTABULARY
OFFICE.*Enclosure referred to in preceding Letter.*

1. No person will be admitted as a cadet who is not of sound constitution, or who is subject to any mental or physical disability.
2. The cadet must be unmarried, and within the ages of 18 and 24 years.
3. The cadet will be required to produce a certified copy of the registry of his birth, or some other satisfactory proof of his age.
4. Every gentleman, on being nominated for a cadetship, will forthwith report himself at the Constabulary Office, Dublin Castle, where he will undergo a preliminary examination, the least failure in which will cause his rejection; viz.:
 - 1stly. He will be required to write from dictation, in order to test his orthography as well as his handwriting.
 - 2dly. He will be examined in arithmetic generally, and especially in such rules as bear upon the framing of returns, the filling up of pay bills, &c.
 - 3dly. He will be questioned upon the geography of Ireland.
 - 4thly. He will be tested in composition, with a view to discover his ability to draw up such reports as are constantly required of the officers of the force.

DEEDS (REGISTRY
OF).

DEEDS (REGISTRY OF).

*Mr. O'Connell to Mr. Maitland.*Registrar of Deeds Office, Dublin,
25th November 1855.

SIR,

I HAVE to acknowledge the receipt of your letter of the 21st inst., and in reply request you will inform the Civil Service Commissioners that in accordance with their suggestion it is now agreed that the subjects of examination for candidates for appointment to junior offices in this department shall be the following:

1. Writing from dictation.
2. English composition.
3. Elementary arithmetic.

Also that the limit of age for such candidates shall be fixed at seventeen years as the minimum and twenty-five as the maximum, with the exception as reserved by the Commissioners, viz., in the case of candidates who have been already employed in the public service, and who may be appointed if under the age of thirty.

Be so kind as to give me a few days notice of the time appointed for the examination, as two of the candidates reside at some distance from Dublin.

I have, &c.

DUBLIN
METROPOLITAN
POLICE.

DUBLIN METROPOLITAN POLICE.

(Extract.) *Mr. Hinds to Mr. Spedding.* 28th July 1855.

In the opinion of the Commissioners the candidate for a junior clerkship in this department should not be over 25 years of age; that he should be proved by examination to be fully competent in reading, writing (both as to quality and correctness as tested by dictation), spelling, arithmetic, geography of the British Isles, and possess a fair share of general information.

EDUCATION
OFFICE (IRELAND).

EDUCATION OFFICE (IRELAND).

(Extract.) *Joint Secretaries to Mr. Spedding.* 22d August 1855.

We are to acquaint you that we have received instructions to draw up a statement of the regulations to be adopted in this department with reference to the several heads mentioned in your letter in respect to appointments of young men to junior situations, which shall be transmitted to you in due course.

(Extract.) *Joint Secretaries to Mr. Maitland.* 3d December 1855.

With respect to the proposed statement of regulations to which we refer in our letter of the 22d August, we are to observe, that a committee of inquiry into the working of the department, appointed by the Lords of Her Majesty's Treasury, has lately been engaged in examining into every branch of the business, and that until the report of that Committee shall have been received, it would be premature for the Commissioners of National Education to propose any code of regulation with reference to the appointment of persons to situations under the National Board.

PAYMASTER OF CIVIL SERVICES (IRELAND).

PAYMASTER OF
CIVIL SERVICES
(IRELAND).

(Extract.)

Mr. Chambers to Mr. Spedding.

12th December 1855.

In reference to the four heads mentioned in your letter, Mr. Grey considers,—

1st. That the limits of age should be from 16 to 22.

2d. That the absence of any physical defect or disease should be certified by a medical practitioner of known ability.

3d. That the character of the candidate should be vouched by the certificate of the rector of the parish in which he resides, or of a justice of the peace, or other party of known respectability.

4th. That it is indispensably necessary the parties should be docile, write with expedition and ease a good free legible hand, be able to write from dictation, be expert arithmeticians, and have a competent knowledge of book-keeping, and at the end of 12 months be able to write a proper letter on any ordinary matter of business.

In thus limiting the requirements to such as are indispensable, it is by no means intended to underrate the value of a more liberal education than is indicated by these requirements, but rather to show the lowest scale that it would be safe to adopt for this office.

In addition to the requirements above set forth for the Pay Office, Mr. Grey considers that for the Record Office the party nominated for junior clerk should not be under the age of 18, should be well acquainted with the Irish and English history, Latin and French, and understand surveying; and that an acquaintance with the rudiments of our laws and constitution would be a very desirable acquisition, with reference to the duties which he may be called on to perform in faithfully deciphering and applying the records.

POOR LAW COMMISSION (IRELAND).

POOR LAW
COMMISSION
(IRELAND).

(Extract.)

Mr. Stanley to Mr. Spedding.

13th July 1855.

There are no fixed rules or arrangements applicable to the three first heads, severally relating to the age of admission, the physical condition, and the character of the candidate; but in regard to the last head, which relates to the candidate's possession of the requisite knowledge and ability, there has been, from the 17th February 1852, a practice of examining persons nominated for the office of *extra clerk* by any of the Commissioners which is described in a recent return to Parliament as follows:

"Poor Law Commission, Ireland. The subjects of examination for persons nominated to clerkships in the Poor Law Commission (Ireland) are—

"Arithmetic, including vulgar fractions and decimals.

"Geography of the British Islands.

"Writing from dictation, and copying, the time occupied in each case being noted.

"Writing letters on a given direction.

"Making abstracts of letters.

"Grammar, especially orthography.

"The mode of giving notice to persons nominated is by letter, addressed to them after their nomination. As to the length of the notice, there is no fixed rule, and it depends on the circumstances of each case; but seldom more than two or three days intervene between the time of nomination and the examination."

Eighteen and thirty might properly be the assigned limits of age for introduction, to the body of extra clerks. A medical certificate of freedom from organic disease, or any incipient symptoms thereof, should be produced; a similar certificate of character from the last instructor or employer; and, finally, inasmuch as the future duty of an *extra clerk* in this office is likely to be limited to the mere copying of documents for a considerable number of years in each case, there is no occasion to render the examination more stringent than it is at present.



APPENDIX III.

EXAMINATION PAPERS USED AT EXAMINATIONS CONDUCTED
UNDER THE AUTHORITY OF THE CIVIL SERVICE COMMISSIONERS.

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I.

PAPERS used at an EXAMINATION of CANDIDATES nominated to compete for JUNIOR SITUATIONS in the WAR DEPARTMENT (PALL MALL BRANCH*).

Thursday, 2d August 1855, and two following days.

Assistant Examiners. { Wm. SPOTTISWOODE, M.A., F.R.S., of Balliol College, Oxford.
J. G. MAITLAND, M.A., F.R.S., late Fellow of Trinity College, Cambridge.
Mons. P. F. MERLET (French).

RULES.

RULES.

1. The time allowed is from _____ to _____, and no extension will on any account be granted.
2. The Candidate should write his name at the top of each page; should keep the several sums distinct from each other, prefixing to each the *number* of the question; and should give in the whole working, fair copied, if he thinks proper, to the Examiners.
3. The Candidate is at liberty to take the questions in any order that may suit his convenience.
4. Those Candidates who seek only the Commissioners' Certificate, must answer satisfactorily in Arithmetic up to and including Vulgar and Decimal Fractions; but it is NOT necessary for them to attempt the higher arithmetical questions, or to do anything in Algebra.
5. If the Candidate can employ the whole time usefully upon the paper headed "ARITHMETIC" he should not attempt the separate "ADDITION" paper, but if he can do only a few questions in the Arithmetic paper he should ALSO try the other, and should take especial care that his answers are CORRECT.
6. If explanation of any question be required, the Examiners should be applied to.

ARITHMETIC, &c.

ARITHMETIC.

1. Reduce 43*l.* 11*s.* 9 $\frac{3}{4}$ *d.* to farthings.
2. Find the number of ounces in 18 tons 9 cwt. 3 qrs. 15 lbs.
3. How many grains are there in 17 lbs. 3 oz. 7 dwts.?
4. The breadth of a rectangular field is 26 yds. 2 ft. 8 in., and the area is one acre: Find the length.
5. The side of a solid cube is 7 ft. 3 in.; find the content in solid yards, feet, and inches.
6. If the price of one ounce of gold is 3*l.* 10*s.*, what is the price of 14 ingots, each weighing 3 lbs. 7 oz. 14 dwts. 21 grs.?
7. If one yard of cloth cost 15*s.* 6 $\frac{3}{4}$ *d.*, what will be the price of 32 $\frac{1}{2}$ yards at the same rate?
8. Find the price of 56 tons 15 cwt. 2 qrs. 21 lbs. at 24*l.* 6*s.* 8*d.* per ton.
9. If 90*s.* will pay 5 men for 12 days' work, how much will pay 32 men for 24 days' work?

Explain the principle of the rule by which you proceed.

What should the result be if the efficiency of the second set were half that of the first, and their day's work five fourths as long?

10. At what rate per cent. per annum simple interest will 300*l.* amount to 414*l.* in 8 years?
11. What will be the amount of 550*l.* in three years at 5 $\frac{1}{2}$ per cent. per annum compound interest?
12. Find the amount of 875*l.* at the end of 15 months at 4 per cent. per annum compound interest, the interest accruing quarterly.
13. Add together $\frac{1}{2}$, $2\frac{1}{7}$, and $13\frac{3}{10}$; divide by $13\frac{1}{4}$, and subtract the result from $57\frac{3}{10}$.

* The subjects of examination prescribed by this branch of the War Department are:—1. Writing from dictation; 2. Arithmetic (to vulgar and decimal fractions); 3. English composition; 4. Precis of official papers; 5. Geography; 6. General outlines of history; 7. Latin, or one foreign language (French or German, for example).

I.
Papers used at a
competitive
Examination for
the
War Department.
—
Aug. 2, 3, 4.
—
ARITHMETIC.
—

14. Add together $\frac{1}{2}$ of a shilling, $\frac{1}{6}$ of half a crown, $\frac{2}{3}$ of a pound, and $\frac{1}{8}$ of a guinea. Express the result as the decimal of a pound.
15. Find the greatest common measure of 3042 and 3094, and reduce $\frac{3042}{3094}$ to its lowest terms.
16. Multiply 192'336 by '73307.
17. Divide 16 by '2, and the result by '0002. What is the rule as to the place of the decimal point in multiplication and division?
18. Express '01056 and '15863 as vulgar fractions in their lowest terms.
19. Explain any rule with which you are acquainted for determining "Equated time of payment," reckoning either simple or compound interest, and apply it to find what sum paid two years hence will be an equivalent for 100*l.* due one year hence, and 500*l.* due three years hence, the rate of interest being 5 per cent.
20. If 23 lbs. at 2*s.* are mixed with 27 lbs. at 3*s.*, and the mixture is sold at 2*s.* 9*d.* per lb., what is the total gain? and what is the gain per cent. on the money laid out?
21. Extract the square root of 106929; also the square root of 803'7 to two places of decimals.
22. Explain some of the uses of logarithms. Given $\log. 2 = '301030$ and $\log. 3 = '477844$, find the logarithms of 5, of 15, and of '15.
23. Explain the meaning of the term *local value*. Have Roman numerals any local value?

24. Add $\frac{x-3y}{x+y}$ and $\frac{x+3y}{x-y}$
25. Divide $81a^4-16b^4$ by $3a+2b$.
26. Solve the equations,

$$(a) \quad \frac{x}{z} + \frac{x+1}{7} = x-2.$$

$$(b) \quad x^3 - \frac{x}{7} = 48.$$

27. It is required to divide the number 34 into two parts, such that the difference between the greater and 18 shall be to the difference between 18 and the less in the ratio of 2 to 3.
28. Sum the arithmetical progression $1+5+9+\dots$ to 21 terms.

SEPARATE
ADDITION.

(A.)		
Acres.	r.	p.
129	3	38
42	0	11
315	3	33
83	0	0
168	2	9
58	0	6
234	0	5
163	0	32
299	2	19
38	3	6
37	2	2
207	2	13
124	1	3
103	0	11
186	3	26
211	2	3
309	3	6
172	1	23
357	2	7
76	3	19
137	1	22
155	3	23

ADDITION.

(B.)		
£	s.	d.
46	10	0
19	0	0
77	0	0
34	12	6
70	0	0
26	0	0
42	0	0
59	5	0
91	0	0
11	0	0
14	0	0
110	0	0
42	5	0
40	0	0
68	0	0
61	0	0
143	15	0
60	0	0
116	5	0
23	0	0
60	0	0
58	0	0

(C.)			
Tons.	cwts.	grs.	lbs.
2,521	13	3	27
3,789	15	2	23
9,381	1	1	17
6,047	10	2	7
7,398	18	1	5
3,692	7	3	2
4,521	3	2	15
6,789	2	1	13
7,047	1	3	12

(D.)		
£	s.	d.
1,728	7	$11\frac{1}{2}$
1,356	18	2
9,508	11	$3\frac{3}{4}$
2,817	15	2
1,958	3	$7\frac{1}{4}$
13,189	2	$1\frac{1}{2}$
430	13	6
17,980	2	$9\frac{1}{2}$
4,387	11	2

DICTATION.

DICTATION.

It shall suffice in this place to say that a weak judgment, and some vanity and much pride, will hurry a man into as unwarrantable and as violent attempts as the greatest and most unlimited and insatiable ambition will do. He had no ambition of title, or office, or preferment, but only to be kindly looked upon, and kindly spoken to, and quietly to enjoy his own fortune, and without doubt, no man in his nature more abhorred rebellion than he did; nor could he have been led into it by any open or transparent temptation, but by a thousand disguises and cozenages. His pride supplied his want of ambition, and he was angry to see

any other man more respected than himself, because he thought he deserved more, and did better requite it. For he was in his friendships just and constant, and would not have practised foully against those he took to be enemies. No man had credit enough with him to corrupt him in point of loyalty to the king, whilst he thought himself wise enough to know what treason was; but the new doctrine and distinction of allegiance, and of the king's power, in and out of parliament, and the new notion of ordinances, were too hard for him, and it did really intoxicate his understanding, and made him quit his own to follow theirs, who he thought wished as well and judged better than himself.

I.
Papers used at a
competitive
Examination for
the
War Department.
Aug. 2, 3, 4.

PRÉCIS.

Read the following Despatches, &c. :—

From Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing-street, 24th November 1846.

I HAVE the honour to inform you that in consequence of the information recently received from New Zealand, Her Majesty's servants have determined that an increase of the military force now in that colony should be effected with the least possible delay. With that view, I have to instruct you to make immediate arrangements in concert with the officer commanding the troops in New South Wales for sending the whole of the disposable force now serving there to Wellington, with the utmost practicable despatch. It will, I calculate, be in your power, without danger, to send at least 900 men for this service, still retaining a small force at Sydney, which, under the present circumstances of New South Wales, is all that I consider indispensable. New South Wales may be regarded as being perfectly safe, for the present at least, from any attack from a foreign enemy; there are no native tribes capable of engaging in serious hostilities with the colonists; and the convict establishment is now reduced so low, while so great an increase has taken place in the numbers of the free population, that there is no longer the necessity, which some years ago existed, for maintaining a considerable military force to guard against the risk of an attempt to rise on the part of the convicts. Under these circumstances there is no part of Her Majesty's dominions in which there is less occasion for a large body of troops. Accordingly I find that, with the exception of those at Sydney, the troops now serving in New South Wales are broken up into small detachments, and obviously performing duties more analogous to those of a police corps than of a part of Her Majesty's regular army. But these are duties which the heavy demands upon the services of the British army do not admit that it should be called upon any longer to undertake. Her Majesty's confidential servants will consider it their duty to take care that the naval and military forces shall afford efficient protection from the attacks of any foreign enemy to so important a part of Her dominions as New South Wales; but for the maintenance of internal order and tranquillity it is only reasonable that the colonists should themselves be called upon to provide, by the formation of an adequate force of police, or, if necessary, of militia. You will bring this subject under the immediate consideration of the Legislative Council; and under no circumstances will you consider yourself authorized to delay sending to New Zealand the force I have already named.

I do not propose that for the present there should be any alteration in the amount of force in Van Diemen's Land, including Norfolk Island, or in Southern or Western Australia; nor is the arrangement for sending the 96th Regiment to India to be disturbed.

I have, &c.

(Signed) GREY.

From Governor Sir C. A. FITZ-ROY to Earl GREY.

MY LORD,

Government House, Sydney, 30th April 1847.

I HAVE the honour to acknowledge the receipt of your Lordship's despatches, Military, Nos. 2, of the 24th November, communicating to me the determination of Her Majesty's Government to increase the military force in New Zealand with the least possible delay, and instructing me to make immediate arrangements with the officer commanding the troops in this colony for sending the whole of the disposable force now serving here to Wellington with the utmost practicable despatch.

With reference to these instructions, I beg to transmit copies of communications which have passed between Lieutenant-General Sir Maurice O'Connell and myself on the subject, by which your Lordship will perceive that the Lieutenant-General proposes, as soon as transport can be procured, to send the whole of the 58th Regiment now in this colony to New Zealand, retaining here the 99th Regiment.

This arrangement will increase the force in New Zealand to (including serjeants and drummers) 1,935 men of the regular troops, exclusive of artillery and marines; and will leave New South Wales with only 830 rank and file, or, with serjeants and drummers, 887 men, a number that will not be more than sufficient for the duties which are absolutely required to be performed by the military. These duties will be, the protection of Sydney; he convict guards over the Stockades at Blackheath and at Newcastle; a detachment at Melbourne, lately increased to 100 men on the earnest representation of Mr. La Trobe, and rendered necessary by the occasional religious riots between the lower orders of the Catholic and Protestant portion of that town: and another detachment at Moreton Bay, which it is

I.
Papers used at a
competitive
Examination for
the
War Department.

PRÉCIS.

advisable to keep there to prevent the aggressions of the blacks, who are numerous in that vicinity, and have on several occasions shown a disposition to hostility, which, I am of opinion, it is more desirable to keep in check by a small military force than to run the chances of a collision between these people and the settlers, and the consequent retaliatory proceedings which would ensue.

The detachments hitherto stationed at Bathurst and Port Macquarie have been directed to be immediately withdrawn, that at the latter station being no longer required, as the convict establishment there has been broken up.

In case your Lordship should desire an explanation of my reasons for considering the presence of a military force of not less than 600 men in Sydney and its immediate vicinity to be indispensable, I beg to observe, that this number will not be more than sufficient to furnish the necessary guards over the Commissariat and Treasury, and those over the convicts in the Woolloomoolloo Stockade and at Cockatoo Island, and the magazine on Goat Island. Moreover, although the lower classes in Sydney are generally well-behaved and orderly, yet your Lordship must be aware that there are many desperate ruffians among its population, and I am much disposed to believe the knowledge that there is a strong military force at hand has much to do with the preservation of the public peace. I am informed that on more than one occasion mobs of the most turbulent character have assembled, which it has been totally beyond the power of the local police to overawe, and nothing but the influence of the military has dispersed.

I believe that there is every disposition on the part of the Legislative Council to maintain a respectable police force in Sydney and throughout the colony, but unfortunately the present high price of labour renders this impracticable.

When men of the class from which such a force would be formed can obtain high wages as labourers or mechanics, leaving them a considerable portion of their time at their own disposal, it is not to be expected that they will enter a service which is irksome in its duties, and which subjects them to the restraint of discipline; therefore the Sydney police, although adequate to the ordinary duties required of it, is not, and cannot be made, as efficient as it ought to be.

I may mention incidentally, that such is the demand for labour, that no soldier stationed in this colony finds the slightest difficulty in obtaining a loan of money for the purpose of purchasing his discharge; this practice has been carried to such an extent as to cause serious inconvenience to the service, and complaints on the part of commanding officers of regiments.

It is right that I should also mention, that, exclusive of the specie in the Colonial Treasury and the Military Chest, I am credibly informed that there are nearly 700,000*l.* in specie in the different banks in Sydney; and I need not point out to your Lordship the inducement that the knowledge of this fact would be for plunder, should the mob of Sydney ever get beyond the control of the executive power.

Under these circumstances, I trust your Lordship will believe that I have not wished to retain a larger force in this colony than is imperatively necessary.

I have, &c.
(Signed) CHAS. A. FITZROY.

From Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing Street, 19th October 1847.

I HAVE to acknowledge the receipt of your despatch, No. 100, of the 30th April last, with its enclosures, reporting the steps proposed to be taken by the Lieutenant General commanding Her Majesty's troops in the Australian settlements, in obedience to my instructions to yourself of the 24th November last, for increasing the force in New Zealand, by the reduction of that in New South Wales, and also pointing out the difficulty which exists in organizing an efficient police corps for the last-named colony.

Although the force which you propose to retain in New South Wales is somewhat larger in amount than I have directed you to keep there, it is not my intention to withhold my approval from this arrangement as one of a temporary nature. Viewed in this light, I see no sufficient reason for objecting to the arrangement, because the force which it provided for New Zealand will be raised nearly to the amount that was intended, while the restoration of tranquillity in that colony has greatly diminished the want of troops which seemed to exist there when I addressed to you my despatch above referred to. At the time the arrangements which you now report were adopted, there was a further reason for departing in some degree from those which had been directed, in consequence of the demands which still continued on the services of the troops in New South Wales to keep the convicts in subjection. This demand will, however, now cease, as orders have been given for breaking up the convict establishment in that colony. Hence, and taking also into consideration the fact that this colony is peculiarly exempt from the danger of being attacked by a foreign enemy, I am of opinion that the amount to which I last year directed that the garrison of New South Wales should be reduced will ultimately be amply sufficient; and I cannot, accordingly, hold out to you the expectation that so considerable a force as that to which you refer will long continue to be kept there merely for the purpose of supporting the police in the maintenance of order, this being a service for which the colony must provide. You will do well, therefore, to bring under the consideration of

the Legislative Council of your Government the propriety of taking early measures to increase the police, so as to be prepared for the further reduction in the number of regular troops maintained in the colony, which will probably be effected at a very early period. In taking any measures for this purpose, you will suggest to the Legislative Council that it deserves to be considered whether the difficulty which is described to exist in obtaining the services of an adequate number of effective policemen might not be met by causing men to be engaged for this purpose in England. I have no doubt that men well fitted for the duty might easily be engaged here under a stipulation to serve for seven or ten years for reasonable wages; and in order to secure their performance of the agreement, some bonus should be held out to them on the completion of their term of service, while, on the other hand, in the event of their either leaving the service voluntarily or being dismissed for misconduct before the expiration of the stipulated period, they should be made subject to a penalty equal to the probable cost of their conveyance to the colony, for the recovery of which stringent and summary powers should be given to the Governor by the Act authorizing the measure.

I have, &c.
(Signed) GREY.

From Earl GREY to Governor Sir C. A. FITZROY.

SIR,

Downing Street, 21st November 1849.

IN my despatch of the 24th of November 1846, No. 2., Military, I instructed you to make immediate arrangements, in concert with the officer commanding the troops in New South Wales, for sending the whole of the disposable force now serving there to Wellington, with the utmost practicable despatch. I calculated that it would be in your power, without danger, to send at least 900 men for this service, still retaining a small force at Sydney, which, under the circumstances of New South Wales at that time, was all that I considered indispensable. I was of opinion that New South Wales might be regarded as being perfectly safe from any attack from a foreign enemy, there being no native tribes capable of engaging in serious hostilities with the colonists, and the convict establishment having been reduced so low, while so great an increase has taken place in the numbers of the free population, that there was no longer the necessity which some years ago existed for maintaining a considerable military force to guard against the risk of an attempt to rise on the part of the convicts; and that under these circumstances there was no part of Her Majesty's dominions in which there was less occasion for a large body of troops. I found that with the exception of those at Sydney, the troops serving in New South Wales were broken up into small detachments, and were obviously performing duties more analogous to those of a police corps than of a part of Her Majesty's regular army. I considered that these were duties which the heavy demands upon the services of the British army did not admit that it should be called upon any longer to undertake. I informed you that Her Majesty's confidential servants would consider it their duty to take care that Her naval and military forces should afford efficient protection from the attack of any foreign enemy to so important a part of Her dominions as New South Wales, but that for the maintenance of internal order and tranquillity, it was only reasonable that the colonists should themselves be called upon to provide, by the formation of an adequate force of police, or, if necessary, of militia. I instructed you to bring this subject under the immediate consideration of the Legislative Council, and under no circumstances to consider yourself authorized to delay sending to New Zealand the force I had named.

In my despatch of the 4th March 1848, No. 11., Military, I instructed you to inform the Legislative Council of New South Wales, that while the right of the Australian colonies to look for their fair share of that protection which it is the object of Her Majesty's naval and military forces to extend to all parts of the British empire was fully recognized by Her Majesty's servants, they were of opinion that these colonies have made so much progress in wealth and population, that their inhabitants might reasonably be expected to bear also a part of the heavy charges which, with a view to that protection, are imposed upon their fellow subjects residing in the United Kingdom, and that the smallest contribution towards these charges, which ought now to be required from the colonists, was that of providing any additional means of local defence which might be required; and I suggested to you the propriety of inviting the principal gentlemen of the colony to exert themselves in forming a volunteer artillery force.

In my despatch of the 1st of June following, No. 16., Military, after noticing the report of the committee of the Legislative Council of New South Wales, on the question how far it might be expedient to make some addition to the police, in consequence of the withdrawal of a portion of the troops, I explained that the force so withdrawn was sent to New Zealand to meet a pressing emergency; and I stated that Her Majesty's Government did not contemplate the permanent maintenance of a large regular force in that colony, any more than in New South Wales.

These communications will have fully prepared you for the reduction which Her Majesty's Government find it absolutely necessary to make of the military expenditure of the Australian colonies; and I have accordingly to acquaint you that Her Majesty's Government propose to transfer to the colony of New South Wales, the barracks, and all military buildings and lands not immediately required for the preservation of stores, and that the charge of providing, maintaining, and repairing quarters for Her Majesty's troops in

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New South Wales, must in future be undertaken by the colony, and that the force to be retained there, will be reduced to a guard in the capital of the colony, and in the town of Melbourne, which will be the capital of the proposed province of Victoria. If a greater amount of force is required, the local Legislature must either make provision for raising a more considerable body of police than is now maintained, or some other description of local force, or else provide for the pay and allowances of an additional number of Her Majesty's regular army, in which case there would be no objection to allow additional regiments to serve there.

In adopting the policy which I am thus called upon to prescribe to you for your future guidance, Her Majesty's Government are swayed by the consideration that New South Wales already possesses representative institutions, that these will, it cannot be doubted, very speedily be extended to the other Australian colonies, and that all the restrictions heretofore imposed on colonial trade by imperial legislation, have now been removed.

It is my duty to apprise you, that if the Colonial Legislature should not think proper to make adequate provision for the maintenance of the necessary barracks in a manner in which the health and comfort of the troops will be as well secured as at present, it will be incumbent on Her Majesty's Government to remove them altogether.

I have only further to acquaint you, that in giving to the colony the barracks and other buildings which are to be transferred to it under the present instructions, it must be distinctly understood that Her Majesty's Government reserve to themselves the right of resuming possession, if at any future time it should in their judgment become necessary to do so; some nominal rent must, therefore, be reserved as a recognition of the title of the Crown to the property.

You will take an early opportunity of reporting to me the arrangements which you shall make in pursuance of the present instruction.

I have, &c.
(Signed) GREY.

Write a letter to the Lords Commissioners of Her Majesty's Treasury, stating the substance of Lord Grey's original instructions, the extent to which those instructions were complied with, and the reasons why they were not fully carried out at the time; the view taken by Her Majesty's Government of the circumstances which afterwards rendered further reductions practicable, and of the manner in which preparation should be made for it; and the final instructions as to the altered footing upon which military protection should thenceforward be afforded to the colony.

LATIN.

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PAPER A.

Translate:—

CICERO.

Equidem non video cur, quid ipse sentiam de morte, non audeam vobis dicere: quod eo melius mihi cernere videor, quo ab eâ propius absum. Ergo vestros patres, P. Scipio, tuque, C. Læli, viros clarissimos, mihi que amicissimos, vivere arbitror: et eam quidem vitam, quæ est sola vita nominanda. Nam, dum sumus in his inclusi compagibus corporis, munere quodam necessitatis, et gravi opere perfungimur; est enim animus cœlestis ex altissimo domicilio depressus et quasi demersus in terram, locum divinæ naturæ æternitatisque contrarium. Sed credo Deos immortales sparsisse animos in corpora humana, ut essent, qui terras tuerentur, quique cœlestium ordinem contemplant, imitarentur eum vitæ modo atque constantiâ: nec me solum ratio ac disputatio impulit, ut ita crederem; sed nobilitas etiam summorum philosophorum et auctoritas. Audiebam Pythagoram, Pythagoreosque, incolæ pænè nostros, qui essent Italici philosophi quondam nominati, nunquam dubitasse, quin ex universâ mente divinâ delibatos animos haberemus: demonstrabantur mihi præterea quæ Socrates supremo vitæ die de immortalitate animorum disseruisset, is qui esset omnium sapientissimus oraculo Apollinis judicatus. Quid multa? sic mihi persuasi, sic sentio, cum tanta celeritas animorum sit, tanta memoria præteritorum, futurorumque prudentia, tot artes, tantæ scientiæ, tot inventa, non posse eam naturam, quæ res eas contineat, esse mortalem; quumque semper agitur animus, nec principium motûs habeat, quia se ipse moveat, ne finem quidem habiturum esse motûs, quia nunquam se ipse sit relicturus; et, quum simplex animi natura esset, neque haberet in se quidquam admistum dispar sui atque dissimile, non posse eum dividi; quod si non possit, non posse interire: magnoque esse argumento, homines scire pleraque antè quam nati sint, quod jam pueri, quum artes difficiles discant, ita celeriter res innumerabiles arripiant, ut eas non tum primum accipere videantur, sed reminisci, et recordari.

TACITUS.

Igitur Galba apprehensâ Pisonis manu, in hunc modum locutus fertur: Si te privatus, lege curiatâ apud Pontifices, ut moris est, adoptarem; et mihi egregium erat tunc, Pompeii et M. Crassi sobolem in penates meos adsciscere; et tibi insigne, Sulpiciæ ac Lutatiae decora, nobilitati tuæ adjecisse. Nunc me deorum hominumque consensu ad imperium vocatum, præclara indoles tua, et amor patriæ impulit, ut principatum, de quo majores

nostri armis certabant, bello adeptus, quiescenti offeram: exemplo divi Augusti, qui sororis filium Marcellum, dein generum Agrippam, mox nepotes suos, postremo Tiberium Neronem privignum, in proximo sibi fastigio collocavit. Sed Augustus in domo successorem quæsit; ego, in RP. Non quia propinquos aut socios belli non habeam: sed neque ipse imperium ambitione accepi, et iudicii mei documentum sint, non meæ tantum necessitudines, quas tibi postposui, sed et tuæ; est tibi frater pari nobilitate, natu major, dignus hac fortunâ, nisi tu potior esses. Ea ætas tua, quæ cupiditates adolescentiæ jam effugerit: ea vita, in qua nihil præteritum excusandum habeas. Fortunam adhuc tantum adversam tulisti. Secundæ res acrioribus stimulis animos explorant: quia miseriæ tolerantur; felicitate corrumpimur. Fidem, libertatem, amicitiam, præcipua humani animi bona, tu quidem eadem constantiâ retinebis; sed alii per obsequium imminuent. Etiam ego ac tu simplicissime inter nos hodie loquimur; ceteri libentius cum fortunâ nostrâ, quam nobiscum, Nam suadere principi quod oporteat, multi laboris: assentatio erga principem quemcumque, sine affectu peragitur. Si immensum imperii corpus stare ac librari sine rectore posset dignus eram, à quo RP. inciperet. Nunc eo necessitatis jampridem ventum est, ut nec mea senectus conferre plus populo Rom. possit quam bonum successorem; nec tua plus juvenus, quam bonum principem. Sub Tiberio, et Caio, et Claudio, unius familiæ quasi hereditas fuimus: loco libertatis erit, quod eligi cœpimus.

HORACE.

Angustam amici pauperiem pati
 Robustus acri militiâ puer
 Condiscat; et Parthos feroces
 Vexet eques metuendus hastâ:
 Vitamque sub divo trepidis agat
 In rebus. Illum ex mœnibus hosticis
 Matrona bellantis tyranni
 Prospiciens, et adulta virgo,
 Suspiret: Eheu! ne rudis agminum
 Sponsus lacessat regius asperum
 Tactu leonem, quem cruenta
 Per medias rapit ira cædes.
 Dulce et decorum est pro patriâ mori:
 Mors et fugacem persequitur virum,
 Nec parcit imbellis juventæ
 Poplitibus timidove tergo.
 Virtus, repulsæ nescia sordidæ,
 Intaminatis fulget honoribus:
 Nec sumit aut ponit secures
 Arbitrio popularis auræ.
 Virtus, recludens immeritis mori
 Cælum, negatâ tentat iter viâ:
 Cœtusque vulgares et udam
 Spernit humum fugiente pennâ.
 Est et fideli tuta silentio
 Merces: vetabo, qui Cereris sacrum
 Vulgarit arcanum, sub isdem
 Sit trabibus, fragilemve mecum
 Solvat phaselon. Sæpe Diespiter
 Neglectus incesto addidit integrum:
 Raro antecedentem scelestum
 Deseruit pede Pœna claudo.

VIRGIL.

Cetera per terras omnis animalia somno
 Laxabant curas et corda oblita laborum;
 Ductores Teucrûm primi, delecta juvenus,
 Consilium summis regni de rebus habebant,
 Quid facerent, quisve Æneæ jam nuntius esset;
 Stant longis adnixi hastis et scuta tenentes
 Castrorum et campi medio. Tum Nisus et una
 Euryalus confestim alacres admittier orant:
 Rem magnam, pretiumque morae fore. Primus Iulus
 Accepit trepidos, ac Nisum dicere jussit.
 Tum sic Hyrtacides: Audite o mentibus æquis,
 Æneadæ, neve hæc nostris spectentur ab annis,
 Quæ ferimus. Rutuli somno vinoque soluti
 Conticuere; locum insidiis conspeximus ipsi,
 Qui patet in bivio portæ, quæ proxima ponto;
 Interrupti ignes, aterque ad sidera fumus
 Erigitur; si fortunâ permittitis uti

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Quæsitum *Ænean et mœnia Pallantea*
Mox hic cum spoliis, ingenti cæde peractâ,
Adfore cernetis. Nec nos via fallit euntes:
Vidimus obscuris primam sub vallibus urbem
Venatu assiduo et totum cognovimus amnem.
Hic annis gravis atque animi maturus Aletes:
Dî patrii, quorum semper sub numine Troja est,
Non tamen omnino Teucros delere paratis,
Quum tales animos juvenum et tam certa tulistis
Pectora.

PAPER B.

Translate:—

CICERO.

Plus apud me antiquorum auctoritas valet, vel nostrorum majorum, qui mortuis tam religiosa jura tribuerunt; quod non fecissent profectò, si nihil ad eos pertinere arbitrantur; vel eorum, qui in hac terrâ fuerunt, magnamque Græciam, quæ nunc quidem deleta est, tum florebat, institutis et præceptis suis erudierunt; vel ejus, qui Apollinis oraculo sapientissimus est judicatus, qui non tum hoc, tum illud, ut in plerisque, sed idem dicebat semper, animos hominum esse divinos, iisque, quum è corpore excessissent, reditum in cælum patere optimoque et justissimo cuique expeditissimum; quod item Scipioni videbatur, qui quidem quasi præsagiret, perpauca ante mortem diebus, quum et Philus et Manilius adessent, et alii plures, tuque etiam, Scævola, mecum venisses, triduum disseruit de republicâ: cujus disputationis fuit extremum ferè de immortalitate animorum: quæ se in quiete per visum ex Africano audiisse dicebat. Id si ita est, ut optimi cujusque animus in morte facillimè evolet tanquam è custodiâ vinculisque corporis, cui censemur cursum ad Deos faciliorem fuisse quàm Scipioni? quocirca mœrere hoc ejus eventu, vereor, ne invidi magis, quàm amici sit. Sin autem illa veriora, ut idem interitus sit animorum et corporum, nec ullus sensus maneat; ut nihil boni est in morte, sic certè nihil mali; sensu enim amisso, fit idem, quasi natus non esset omnino: quem tamen esse natum et nos gaudemus, et hæc civitas, dum erit, lætabitur.

TACITUS.

In pedite robur: quædam nationes et curru præliantur. Honestior auriga: clientes propugnant. Olim regibus parebant, nunc per principes factionibus et studiis trahuntur. Nec aliud adversus validissimas gentes pro nobis utilius, quam quod in commune non consulunt. Rarus duabus tribusve civitatibus ad propulsandum commune periculum conventus: ita dum singuli pugnant, universi vincuntur. Cælum crebris imbris ac nebulis fœdum. Asperitas frigoribus abest. Dierum spatia ultra nostri orbis mensuram, et nox clara, et extremâ Britannia parte brevis, ut finem atque initium lucis exiguo discrimine internoscas. Quod si nubes non officiant, aspici per noctem Solis fulgorem, nec occidere et exurgere, sed transire affirmant: scilicet extrema et plana terrarum humili umbrâ non erigunt tenebras, infraque cælum et sidera nox cadit. Solum præter oleam vitemque et cetera calidioribus terris oriri sueta, patiens frugum, secundum. Tarde mitescunt, cito proveniunt. Eademque utriusque rei causa, multus humor terrarum, coelique. Fert Britannia aurum et argentum et alia metalla, pretium victoriae. Gignit et Oceanus margarita, sed subfusca ac liventia. Quidam artem abesse legentibus arbitrantur. Nam in rubro mari viva ac spirantia saxis avelli, in Britannia prout expulsa sint colligi. Ego facilius crediderim naturam margaritis deesse, quam nobis avaritiam.

VIRGIL.

Talia per Latium; quæ Laomedontius heros
Cuncta videns magno curarum fluctuat æstu,
Atque animum nunc huc celerem, nunc dividit illuc,
In partesque rapit varias, perque omnia versat.
Sicut aquæ tremulum labris ubi lumen æneis
Sole repercussum, aut radiantis imagine Lunæ
Omnia pervolitat late loca, jamque sub auras
Erigitur, summique ferit laquearia tecti.
Nox erat, et terras animalia fessa per omnes
Alituum pecudumque genus sopor altus habebat
Quum pater in ripâ gelidique sub ætheris axe
Æneas, tristi turbatus pectora bello,
Procubuit, seramque dedit per membra quietem.
Huic deus ipse loci fluvio Tiberinus amœno
Populeas inter senior se attollere frondes
Visus—eum tenuis glauco velabat amictu

Carbasus, et crines umbrosa tegebat arundo—

Tum sic affari et curas his demere dictis:

O sate gente deum, Trojanam ex hostibus urbem

Qui revelis nobis, æternaque Pergama servas,

Exspectate solo Laurenti arvisque Latinis,

Hic tibi certa domus, certi, ne absiste, Penates:

Neu belli terrere minis. Tumor omnis et iræ

Concessere deum.

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HORACE.

Cur me querelis exanimas tuus?

Nec Dis amicum est, nec mihi, te prius

Obire, Mæcenas, mearum

Grande decus columenque rerum.

Ah! te mea si partem animæ rapit

Maturior vis, quid moror altera?

Nec carus æque, nec superstes

Integer. Ille dies utramque

Ducet ruinam. Non ego perfidum

Dixi sacramentum: ibimus, ibimus,

Utcunque præcedes, supremum

Carpere iter comites parati.

Me nec Chimææ spiritus igneæ,

Nec, si resurgat centimanus Gyges,

Divellet unquam. Sic potenti

Justitiæ placitumque Parcis.

Seu Libra, seu me Scorpium adspicit

Formidolosus, pars violentior

Natalis horæ, seu tyrannus

Hesperia Capricornus undæ:

Utrumque nostrum incredibili modo

Consentit astrum. Te Jovis impio

Tutela Saturno refulgens

Eripuit, volucrisque Fati

Tardavit alas, quum populus frequens

Lætum theatris ter crepuit sonum:

Me truncus illapsus cerebro

Sustulerat, nisi Faunus ictum

Dextrâ levasset, Mercurialium

Custos virorum. Reddere victimas

Ædemque votivam memento:

Nos humilem feriemus agnum.

Translate into Latin prose:—

SINCE I see that you will not hear anything of debate concerning that which, I confess, I thought most material for the peace of the kingdom, and for the liberty of the subject, I shall waive it; I shall speak nothing to it; but only I must tell you, that this many a day all things have been taken away from me, save that which I call more dear to me than my life, which is my conscience and my honour; and if I had a respect to my life more than to the peace of the kingdom and the liberty of the subject, certainly I should have made a particular defence for myself; for by that at least I might have delayed an ugly sentence, which I believe will pass upon me. Now I conceive that an hasty sentence once passed, may sooner be repented of than recalled; and truly, the selfsame desire that I have for the peace of the kingdom and the liberty of the subject, more than my own particular ends, makes me now at last desire, before sentence be given, that I may be heard before the Lords and Commons. This delay cannot be prejudicial to you, whatsoever I say; if that I say no reason, those that hear me must be judges: if it be reason, and really for the welfare of the kingdom, and the liberty of the subject, I am sure it is very well worth the hearing; therefore I do conjure you, as you love that that you pretend,—I hope it is real,—the liberty of the subject, the peace of the kingdom, that you will grant me this hearing before any sentence be passed. I only desire this, that you will take this into your consideration, it may be you have not heard of it beforehand; if you will, I'll retire, and you may think of it: but if I cannot get this liberty, I do protest that these fair shows of liberty and peace are pure shows, and that you will not hear your King.

FRENCH.

To be translated into English:—

LES dispositions de la Turquie et de la Suède changeaient toutes les chances de la guerre; mais ces deux états avaient un intérêt si grand à s'unir avec la France, l'occasion était si

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belle de réparer leurs pertes, d'ancrant leur ennemi, que Napoléon ne douta pas de leur assistance dès qu'il serait entré en campagne. Cependant la France était entièrement opposée à cette guerre; elle la regardait comme provoquée uniquement par l'ambition de l'empereur; elle se fatiguait de ses vastes combinaisons qui exigeaient de si grands sacrifices; elle s'effrayait de l'ennemi qu'on allait attaquer, de cette nation demi-sauvage, brave, dure, dévouée; de ce pays de forêts et de marécages, où l'on passe subitement d'un été violent à un hiver intolérable; de cet empire si large, qu'il n'a pas de flancs; si profond, qu'il n'a pas de fin; de cette puissance assise sous le pôle, adossée à des glaces éternelles, attaquable à peine pendant un quart de l'année; enfin de ce gouvernement despotique, qui ne se retirait dans une défensive menaçante que par ce qu'elle ne reculerait devant aucune ruine.

(Sur l'emploi du Fer.)

Si jamais siècle a mérité le nom de siècle de fer, c'est assurément le nôtre; mais loin d'attacher à ce nom le sens de réprobation qui lui donnait l'antiquité, notre époque peut, à juste titre, s'en orgueillir. Ce métal, dont les anciens avaient fait le symbole de la guerre et de la destruction, est dans nos sociétés l'agent le plus puissant du travail et de l'industrie, partant de la paix. Il s'y produit sous toutes les formes, s'y ploie à tous les usages; il soutient en colonnes de fonte nos maisons et nos édifices, qu'il embellit de tous les caprices de l'ornementation; conduit à travers nos villes l'eau et le gaz, forme le coque de nos bateaux à vapeur, les câbles de nos navires, s'étend en *rails*, s'élance en locomotives, transmet l'idée à longues distances, fonctionne en machines, en *engins* de toutes sortes:—le fer, enfin, joue aujourd'hui dans l'activité sociale un rôle tel, que si, par impossible, il venait tout-à-coup à disparaître, la société retomberait immédiatement, pour la culture des arts et de l'industrie, dans son état de barbarie et d'enfance.

To be translated into French:—

THUS terminated the great and dazzling career of Napoleon Buonaparte. He was one of those extraordinary men who, appearing at a period filled with circumstances adapted to their peculiar genius, display the capacity of the human mind in the highest degree. To him who has read the life of this astonishing man, and the history of his time, it will be obvious that his characteristic features were decision, self-reliance, energy, and promptitude of action—all soldierly qualities, but accompanied in him with a clearness of discernment, and a facility of calculating and combining physical results. As a general, he exhibited the higher order of genius,—that of invention. He conceived a new mode of warfare, founded on a scientific and rapid movement of vast masses, which, until understood and practised by his opponents, rendered him almost necessarily victorious. He, in fact, altogether changed the art of war, and, as we have seen, he long profited by the priority of discovery. But it is evident that he was actuated and dazzled by the common selfishness of ambition; and we might add, that even his noblest works, such as his vast improvements in roads, buildings, canals, his restoring religion, his giving a complete code of laws to the nation,—even these meritorious acts,—were not incompatible with despotism, but, on the contrary, materially aided the establishment of his power.

[The following is not necessarily required; but if any one wishes to give an idea of his composition in French, it may serve as a subject to write on:—]

OUTLINES OF AN ESSAY.

Sur les changements produits par la Machine à Vapeur dans les Manufactures et le Commerce, dans la manière de voyager par terre et par mer, dans celle de faire la guerre par mer, et sur l'influence qu'elle aura sur la civilisation et le bien-être de la société.

GERMAN.

Translate:—

GERMAN.

Ein königlicher Schatzmeister wurde bei seinem Könige angeklagt, dass er die Schätze des Reiches veruntreue, und die geraubten Gelder und Kostbarkeiten in einem verborgenen Gewölbe mit einer eisernen Thüre aufbewähre.

Der König begab sich in den Palast des Schatzmeisters, liess sich die eiserne Thüre zeigen, und befahl sie zu öffnen. Aber wie erstaunte er, als er hinein trat! Er sah nichts als vier leere Wände, einen ländlichen Tisch, und einen Strohstuhl. Auf dem Tische lag eine Hirtenflöte nebst einem Hirtenstabe und einer Hirtentasche. Durch das Fenster sah man auf grüne Wiesen und waldige Berge.

Der Schatzmeister aber sprach: "In meiner Jugend hütete ich die Schafe. Du, o König, zogst mich an deinen Hof. Hier in diesem Gewölbe bringe ich nun täglich eine Stunde zu, erinnere mich mit Freuden meines vorigen Standes, und wiederhole die Lieder, die ich ehemals bei meinen Schafen zum Lobe des Schöpfers gesungen habe. Ach! damals war ich auf meinen väterlichen Fluren bei all' meiner Armuth glücklicher, als in diesem Palaste bei allem Reichthume, womit die Gnade meines Königs mich überhäuft hat!"

Ein frommes Herz, ein froher Muth,
Macht glücklicher als Geld und Gut.

Die glorreiche Schlacht Gustav Adolphi bei Leipzig hatte in dem ganzen nachfolgenden Betragen dieses Monarchen, so wie in der Denkart seiner Feinde und Frönde, eine grosse Veränderung gewirkt. Er hatte sich jetzt mit dem grössten Heerführer seiner Zeit gemessen, er hatte die Kraft seiner Taktik und den Muth seiner Schweden an dem Kern der kaiserlichen Truppen, den geübtesten Europens, versucht und in diesem Wettkampf überwunden. Von diesem Augenblicke an schöpfte er eine feste Zuversicht zu sich selbst, und Zuversicht ist die Mutter grosser Thaten. Man bemerkt fortan in allen Kriegsunternehmungen des schwedischen Königs einen kühnern und sicherern Schritt, mehr Entschlossenheit auch in den misslichstesten Lagen, eine stolzere Sprache gegen seine Feinde, mehr Selbstgefühl gegen seine Bundesgenossen, und in seiner Milde selbst mehr die Herablassung des Gebieters. Seinem natürlichen Muth kam der andächtige Schwung seiner Einbildung zu Hülfe; gern verwechselte er *seine* Sache mit der Sache des Himmels, erblickte in Tilly's Niederlage ein entscheidendes Urtheil Gottes zum Nachtheil seiner Gegner, in sich selbst aber ein Werkzeug der göttlichen Rache. Seine Krone, seinen vaterländischen Boden weit hinter sich, drang er jetzt auf den Flügeln des Siegs in das Innere von Deutschland, das seit Jahrhunderten keinen auswärtigen Eroberer in seinem Schoosse gesehen hatte. Der kriegerische Muth seiner Bewohner, die Wachsamkeit seiner zahlreichen Fürsten, der künstliche Zusammenhang seiner Staaten, die Menge seiner festen Schlösser, der Lauf seiner vielen Ströme hatten schon seit undenklichen Zeiten die Ländersucht der Nachbarn in Schranken gehalten; und so oft es auch an den Gränzen dieses weitläufigen Staatskörpers gestürmt hatte, so war doch sein Inneres von jedem fremden Einbruch verschont geblieben. Von jeher genoss dieses Reich das zweideutige Vorrecht, nur sein eigener Feind zu sein und von Aussen unüberwunden zu bleiben. Auch jetzt war es bloss die Uneinigkeit seiner Glieder und ein unduldsamer Glaubenseifer, was dem schwedischen Eroberer die Brücke in seinen innersten Staaten baute. Aufgelöst war längst schon das Band unter den Ständen, wodurch allein das Reich unbezwinglich war, und von Deutschland selbst entlehnte Gustav Adolph die Kräfte, womit er Deutschland sich unterwürfig machte. Mit so viel Klugheit als Muth benutzte er, was ihm die Gunst des Augenblicks darbot, und gleich geschickt im Cabinet, wie im Felde, zerriss er die Fallstricke einer hinterlistigen Staatskunst, wie er die Mauern der Städte mit dem Donner seines Geschützes zu Boden stürzte. Unaufgehalten verfolgte er seine Siege von einer Gränze Deutschlands zur andern, ohne den Ariadnischen Faden zu verlieren, der ihn sicher zurückleiten konnte, und an den Ufern des Rheins, wie an der Mündung des Lechs hörte er niemals auf, seinen Erbländern nahe zu bleiben.

I.
Papers used at a
competitive
Examination for
the
War Department.

Aug. 2, 3, 4.

GERMAN.

Hört mich, Nathan!—Ich bin nicht
Der Mensch, der irgend etwas abzulügen
Im Stande wäre. Was ich that, das that ich!
Doch bin ich auch nicht Der, der alles, was
Er that, als wohlgethan vertheid'gen möchte.
Was sollt' ich eines Fehls mich schämen? Hab'
Ich nicht den festen Vorsatz ihn zu bessern?
Und weiss ich etwa nicht, wie weit mit dem
Es Menschen bringen können?—Hört mich, Nathan!—
Ich bin des Laienbruders Tempelherr,
Der Euch verklagt soll haben, allerdings.—
Ihr wisst ja, was mich wurmisch machte! was
Mein Blut in allen Adern sieden machte!
Ich Gauch!—ich kam, so ganz mit Leib und Seel'
Euch in die Arme mich zu werfen. Wie
Ihr mich empfangt—wie kalt—wie lau—denn lau
Ist schlimmer noch als kalt; wie abgemessen
Mir auszuweichen Ihr beflissen war't;
Mit welchen aus der Luft gegriffnen Fragen
Ihr Antwort mir zu geben scheinen wolltet:
Das darf ich kaum mir jetzt noch denken, wenn
Ich soll gelassen bleiben.—Hört mich, Nathan!—
In dieser Gährung schlich mir Daja nach,
Und warf mir ihr Geheimniss an den Kopf,
Das mir den Ausschluss eures räthselhaften
Betragens zu enthalten schien.

HISTORY.

1. Give the dates of the following events, adopting the common chronology:—

- (1) The Deluge;
- (2) The Exodus;
- (3) The Building of Rome;
- (4) The Peloponnesian War;
- (5) The Hcira, or Flight of Mahomet;
- (6) The Coronation of Charlemagne;

HISTORY.

I.
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HISTORY.

- (7) The Invention of Printing ;
- (8) The Revolution ; and
- (9) The Separation of the Crowns of Great Britain and Hanover.
2. Give the current traditions as to the life and exploits of King Alfred.
3. What was the origin of William the Conqueror? How did he obtain the crown of England?
4. Under what king were the crowns of England and Scotland united?
5. Trace the descent of the reigning sovereign from King George I.
6. Name the sovereigns who ascended the throne of England in the 17th century, giving the dates of their accession, their relationship to each other, and the places at which they respectively died.
7. What are the peculiar privileges of the House of Commons? What great changes were made by the Reform Bill?
8. Are the laws of England and Scotland in all respects identical? If not, mention points in which they differ.
9. What important constitutional questions were raised,—(1) by the illness of George III.,—(2) by the protracted trial of Warren Hastings?
10. Mention any points in which Scripture History is confirmed by classical writers.
11. It has been said, that “the only event in the history of the human species which admits of comparison with the propagation of Christianity is the success of “Mahometanism.” In what points does the parallel fail?
12. What were, at different times, the titles of the chief magistrates of republican Rome? Name the first and last of the 12 Cæsars, and the principal writers of the Augustan era.
13. A work has been written on “The Fifteen Decisive Battles of the World ;” mention any battles which you think entitled to be so termed, giving your reasons.
14. In what year was the independence of the United States acknowledged? What is their constitution? Is that of any European state at all similar, and in what respects?
15. Between what states and at what period was Poland divided? What was its ancient form of government?
16. Name the two European states which have most recently come into existence.
17. State any particulars which you know as to the history of the Crimea. Whence arose its importance in a commercial point of view? Give the classic legend.
18. Mention any beneficial changes accomplished at the commencement of the first French revolution.
19. The last hundred years being altogether excluded, what was, in your opinion, the most glorious and what the most disgraceful era in English History? Give your reasons in detail.

GEOGRAPHY.

GEOGRAPHY.

1. What is meant by latitude and longitude, and from what fixed lines are they measured?
2. What other circles are used for geographical purposes, and how are their positions determined?
3. Name the principal natural products and manufactures of Great Britain, and the localities in which they are found or carried on.
4. From what countries do we import tea, coffee, sugar, tallow, wool, palm oil?
5. Through what counties and towns does the Great Northern line of railway from London to Edinburgh pass?
6. Name the capitals of the following countries: Portugal, Kingdom of Sardinia, Norway, Bavaria, Georgia, Arabia, Thibet, Peru.
7. Draw an outline map showing the overland route to India.
8. Name the highest mountains in the four continents, with their heights?
9. What are the principal uses of mountains?
10. Mention seven colonial possessions of Great Britain, specifying wherein their political and commercial importance to this country consists.
11. Describe the trade-winds, and explain their cause.
12. Describe the form of the various continents of the globe, and show how it has influenced the national character and history of their inhabitants.

ENGLISH GRAMMAR.

ENGLISH
GRAMMAR.

1. Write down the plurals of the following substantives: penny, staff, grief, die, sheep, wharf, spoonful, chimney.
2. Write down the past tenses and past participles of the following verbs: arise, bid, drive, load, smite, work.
3. What is meant by “government” in grammar? What parts of speech govern objective cases? Give examples of each.
4. Construct sentences, exemplifying the use of the relative pronouns in the possessive and objective cases.

5. Explain the grammatical construction of the following sentences, pointing out and correcting any errors; parse the words in the first, and write the second in prose :
- “ It was me who they wished to see.”
- “ For what we know must be, and is as common
As any the most vulgar thing to sense,
Why should we, in our peevish opposition,
Take it to heart? ”
- “ That remarkable man, one of the few eastern sovereigns in ancient times who has earned for himself an enduring place in history, had succeeded at a very early age to the throne of Pontus.”
6. From what languages is English derived? Mention the classes of words principally taken from each, with examples.
7. To what general family of languages do those alluded to in the preceding questions belong; what others in Europe belong to the same?

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ENGLISH
GRAMMAR.

CORRESPONDENCE.

With a view to establishing a branch business at Glasgow, a person is sent to make inquiries. Write a letter of instructions directing him to inform himself on the spot whether there is a demand for the class of goods [name any articles of merchandise you please]; whether there is much competition in the trade; whether other houses have succeeded, or otherwise, in it; as to home and export trade respectively; as to terms, length of credit, and mode of settlement; and any other points which may suggest themselves to you.

CORRESPONDENCE.

EXERCISE IN ORTHOGRAPHY, &c.

[See *Lithograph at the end of this Appendix.*]

II.

PAPERS USED AT AN EXAMINATION OF CANDIDATES nominated to compete for JUNIOR SITUATIONS in the DEPARTMENT of the COMMITTEE of PRIVY COUNCIL for EDUCATION.*

November 5, 6, 9, 10.

Assistant Examiners { W. SPOTTISWOODE, M.A., F.R.S., of Balliol College,
Oxford.
E. HEADLAM, M.A., Fellow and Assistant Tutor of
St. John's College, Cambridge.

II.
Papers used at a
competitive
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MONDAY MORNING, Nov. 5.

EXERCISE IN ORTHOGRAPHY.—[See *Lithographs at the end of this Appendix.*]

ENGLISH GRAMMAR.

Write the following passages in ordinary prose, and explain any peculiarities in the construction :

ENGLISH
GRAMMAR.

This gentle and unforc'd accord of Hamlet
Sits smiling to my heart, in grace whereof
No jocund health that Denmark drinks to day
But the great cannon to the clouds shall tell,
And the king's rouse the heaven shall bruit again
Re-speaking earthly thunder.

King. I must not hear thee; fare thee well kind maid,
Thy pains not us'd must by thyself be paid;
Proffers not took reap thanks for their reward.

Helena. Inspired merit so by breath is barr'd;
It is not so with him that all things knows,
As 'tis with us that square our guess by shows;
But most it is presumption in us, when
The help of heaven we count the act of men.

* See the Scheme prescribed for this Competition, ante, page 10.

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Papers used at a
competitive
Examination for
the Committee
of Council on
Education.

Nov. 5, 6, 9, 10.

Dear sir, to my endeavours give consent,
Of heaven not me make an experiment.
I am not an impostor that proclaim
Myself against the level of mine aim;
But know I think and think I know most sure,
My art is not past power nor you past cure.

Hail foreign wonder!
Whom certain these rough shades did never breed,
Unless the goddess that in rural shrine
Dwell'st here with Pan or Sylvan.

DICTION.

DICTION.

THOUGH Bacon did not arm his philosophy with the weapons of logic, he adorned her profusely with all the richest decorations of rhetoric, his eloquence, though not untainted with the vicious taste of his age, would alone have entitled him to a high rank in literature. His mind was wonderfully quick in perceiving analogies of all sorts; but like several eminent men we could mention, he sometimes appeared exceedingly deficient in the power of distinguishing rational from fanciful analogies. This want of accurate discrimination has led to many strange political speculations. One author deduced a theory of government from the properties of the pyramid. Mr. Southey's whole system of finance is chiefly grounded on the phenomena of evaporation and rain. In theology this perverted ingenuity has made still wilder work. Great divines have frequently been led into expositions of Scripture of inconceivable absurdity by mere incapacity to distinguish analogies proper (to use the scholastic phrase) from analogies metaphorical, and especially the separate Treatise on the Sublime and Beautiful, though written on a subject which the coldest metaphysician could hardly treat without being occasionally betrayed into florid writing, is the most unadorned of all the works of Burke.

MONDAY AFTERNOON.

ARITHMETIC.—PAPER I.

ARITHMETIC.

1. Reduce 15 lbs. 10 ozs. 14 grs. troy to grains, and 34677 square yards to acres, &c.
2. The length of a French metre being 39.37 inches, find the number of solid feet and inches in a cube the length of whose side is 2 metres.
3. If $\frac{1}{7}$ cwt. be worth 14*l.* 6*s.* what will be the value of $\frac{1}{7}$ of a ton?
4. If 3*l.* = 20 thalers, 25 thalers = 93 francs, and 62 francs = 25 gulden: find how many gulden are equivalent to one pound sterling.
5. The population of Great Britain in 1851 was 21,121,967; and the increase during the previous half century had been 93.5 per cent. What was the population in 1801?
6. Find by the method of practice the price of 8 cwt. 1 qr. 12 lbs. at 4*l.* 12*s.* 5½*d.* per quarter.
7. A person who has 2954*l.* in the 3 per cents at 80½, transfers his capital into the 4 per cents at 98; find the alteration in his income.
8. A person's average annual expenditure from the year 1833 to 1853 inclusive is 293*l.* 17*s.* 4*d.* He finds that in 1833 he spent 283*l.* 17*s.* 10*d.*, and in 1854 365*l.* 14*s.* 1*d.*; what was his average annual expenditure from 1834 to 1854 inclusive?
9. If 20 horses and 196 sheep can be kept 18 days for 151*l.* 10*s.*, what sum will keep 15 horses and 72 sheep for 8 days, supposing 5 horses to eat as much as 76 sheep?
10. Find how many yards of paper, $\frac{7}{8}$ of a yard wide, will paper a room whose length is 26 ft. 4 in., its breadth 18 ft. 8 in., and its height 12 ft. 3 in.
11. If 20 lbs. 4 ozs. of tea at 5*s.* 10*d.* per pound be mixed with 46 lbs. 6 ozs. at 4*s.* 3*d.*, and 35 lbs. 6 ozs. at 6*s.* 8*d.*, and the mixture be sold at 6*s.* per pound, what will be the gain or loss, and what the gain or loss per cent.?
12. Find the amount of 13,333*l.* 6*s.* 8*d.* for 4 years at 5 per cent. compound interest.
13. At what rate per cent. will 651*l.* 13*s.* 4*d.* amount to 748*l.* 12*s.* 0½*d.* in 3½ years, at simple interest?
14. Find the discount on 126*l.* 13*s.* 4*d.* due 8 months hence at 4 per cent. simple interest. What would be the amount of error in this case if interest were taken instead of discount, and in whose favour would the error be?
15. Reduce to their simplest forms the expressions—
(a) $\frac{2}{3} + \frac{1}{3} + \frac{7}{6} + \frac{1}{6} + \frac{1}{5} - \frac{7}{8}$.
(b) $\frac{2}{3}$ of $\frac{4\frac{5}{6}}{12\frac{1}{3}}$ of $\frac{3\frac{4}{11}}{11\frac{2}{7}} \div 1\frac{1}{11}$.
16. Find the sum of .375 of a guinea + 2.1875 of a crown + .3 of 7*s.* 6*d.*
17. (a) Multiply 2.7 by .27 and their product by .027;
(b) Divide 17.28 by .0144, and 42.0463 by 136.
18. Extract the square roots of 531441 and of 32½.

19. Mention the advantages of a decimal coinage. If 1*l.* = 10 florins = 100 cents = 1000 mils; show how the addition of 896*l.* 5*f.* 4*c.* 7*m.*, 391*l.* 5*f.* 7*m.*, 23*l.* 9*c.* 6*m.*, would be performed.
20. Explain the nature and use of logarithms, and the advantages of selecting the number 10 as the base of tabular logarithms.

Having given $\log. 6.234 = .794767$ and $\log. 6.235 = .794836$, find $\log. 623472$, and the number whose logarithm is 2.794800 .

PAPER 2.

N.B. It is strongly recommended that no candidate who finds that he can employ his time advantageously on the other paper should attempt any question in this.

1. Multiply 4751*l.* 17*s.* 4½*d.* by 34.
2. Multiply 1647*l.* 8*s.* 2¼*d.* by 635.
3. Divide 106397320524 by 12.
4. Divide 8740434091488 by 876.
5. Divide 75919*l.* 11*s.* 7*d.* by 7.
6. Divide 611360*l.* 5*s.* 8*d.* by 623.
7. Write in figures (1) ninety thousand and forty, (2) three hundred and four million forty thousand and four.
8. There are two mountains such that if 126 feet are added to four times the height of the lower one, the sum is half the difference between their heights; given that the lower one is 441 feet high, find the height of the other.
9. What is the length of the longest day at a place where the sun rises on that day at 3h. 49m. 51s.?
10. How many entire days have elapsed since the opening of the Great Exhibition in Hyde Park?

TUESDAY MORNING.

PRÉCIS.

EXTRACT of a Despatch from the Lieutenant-Governor of the Colony of Victoria to Sir John S. Pakington, dated Melbourne, December 2, 1852.

THE enclosed Act to facilitate the apprehension of offenders is so novel in its character, and so stringent in its provisions, as to demand some preliminary explanation of the circumstances under which it was introduced.

Her Majesty's Government will have been fully made aware, through one channel or another, of the extent to which the discovery of gold in Victoria has affected the population of the neighbouring colonies. It must be evident that the transported convict has fully felt this influence; and it is undeniable that, from the outset, not all the vigilance exercised by the authorities availed to prevent a very considerable influx of all classes into this colony.

Having once eluded the vigilance of the authorities in Van Diemen's Land, our own laws and regulations opposed no sufficient obstacle to their introduction; and it was soon seen that numbers of persons under sentence of transportation were intermingled with the crowds in the towns, and thronging to the gold fields. Many of the class of ticket-of-leave holders are known to have come to the colony, to have amassed wealth, and returned to Van Diemen's Land. But numbers of other classes who thus effected their escape, suddenly released from the coercive discipline to which they had been subjected, and in full liberty under circumstances so favourable to their views, engaged at once in the perpetration of the most daring outrages.

The certainty that such was actually the case, and the feeling that, beyond the damage and injury resulting to individuals and to the community, the population of the colony became open to an imputation of a degree of lawlessness and criminality with which it was not fairly chargeable, justly roused the public indignation. It not only strengthened the hands and the cause of that section of the community which had long come prominently forward to advocate the cessation of transportation upon the broad grounds of its inexpediency and of the injury which, even under ordinary circumstances, that system must entail upon these colonies, but it made every individual in the community alive to the evils which that system might involve and bring to his own door.

A bill seeking in some degree to cope with this difficulty, and to which allusion had been made by me in my opening address to the Council, was in course of preparation, and was about to be introduced, when the intentions of the Government were anticipated by an elective member obtaining leave to bring in a "Bill for the apprehension of offenders illegally at large, and their ready transmission to the countries from which they escaped." The zeal and haste of the framers of this bill had induced them to overlook many salient principles of constitutional liberty; but as the evils sought to be redressed were of no ordinary magnitude, compromising to an alarming extent the maintenance of public order and the security of property, at the same time that they threatened to necessitate an expenditure for police protection and the administration of criminal justice tantamount to one third of the whole revenue as then collected, it was considered highly desirable on the part of the Government to show every disposition to co-operate heartily with the colonists; at the

II.

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ARITHMETIC.

PRÉCIS.

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PRÉCIS.

same time that it performed its duty in seeking to mitigate the severity of the proposed enactments, and in giving a more constitutional impress to the measure thus introduced, and received with a degree of popular enthusiasm. The result is the bill which I now submit for consideration, but to which I have felt it my duty, under the extraordinary circumstances of the times, to yield the royal assent. It has been called for by the peculiar exigencies of the period, and therefore limited in its duration to two years. It professes to deal with a class, and with that class only, which has not only already violated positive enactments, but abused the indulgence extended to them.

It is impossible to exaggerate the evils with which this Act seeks to grapple; and I would direct attention to the criminal returns which I have appended, from which it will be seen to what extent the amount of crime is influenced by the introduction of those illegally at large into this community, and the circumstances in which they find themselves placed.

The clauses subsidiary to the chief object, although objectionable as tending to fetter intercolonial trade and trench on private rights, were necessarily introduced to render the Act operative.

It need scarcely be observed that on various occasions of local or agrarian disturbance Her Majesty's Government have been compelled to pass measures more penal than the present, extending even to the temporary suspension of the Habeas Corpus Act; and the statute book of New South Wales still contains several Acts as coercive in many of their provisions.

Persons to whom Her Majesty has been graciously pleased to grant a remission of sentence have been protected, and the royal prerogative of mercy has been saved.

The surrounding circumstances and unparalleled features of the case being considered, and the main object of the Act kept steadily in view, it will, I trust, be considered that the measure is not more rigorous than was imperatively demanded.

I am enabled to state that since the Act came into force the mere fact of its existence has been undeniably favourable to the state of the colony. It is seen not only to deter many from running the hazard of an infringement of its provisions, but, taken into connexion with the course adopted by the Lieut.-Governor Sir William Denison, in stationing in Victoria certain active agents for the detection and apprehension of offenders transported to Van Diemen's Land and illegally at large, has had the effect of driving a very considerable number of the worst characters out of the colony.

ENCLOSURE in the preceding Despatch.

No. XIII.

AN ACT to facilitate the Apprehension and prevent the Introduction into the Colony of Victoria of Offenders illegally at large.

WHEREAS great evils have arisen within the Colony of Victoria from the continual influx of runaway convicts from Van Diemen's Land, and from the arrival in large numbers of convicts allowed to be at large under cover of instruments purporting to be conditional pardons, or tickets of leave: And whereas it is essential, for the preservation of peace and good order in the community, that an immediate stop should be put to the landing or being in the said colony of Victoria of convicted felons, or other persons undergoing sentence of transportation for offences against the laws: Be it enacted by his Excellency the Lieutenant Governor of the colony of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

I. Any master-mariner or other person owning, commanding, navigating, or sailing any ship, vessel, or boat for the trip or voyage, when any such ship, vessel, or boat shall bring to any port or other place in the colony of Victoria any runaway convict, or any convict coming under cover of any conditional pardon, ticket of leave, or indulgence of any kind, other than a free pardon or remission of his or her sentence by Her Majesty, shall, upon conviction thereof before any two justices of the peace having jurisdiction within the said colony, or any portion thereof, for every such offence be liable to a fine not exceeding one hundred pounds, or to imprisonment for any time not exceeding six months, or to both, at the discretion of the said justices.

II. It shall be lawful for any justice of the peace, or any constable having reasonable cause to suspect any person to be an offender illegally at large as herein-after mentioned, forthwith and without any warrant for such purpose to cause such suspected person to be apprehended and taken before any one or more justices of the peace of the said colony for examination as herein-after provided.

III. Every person apprehended on suspicion of being an offender illegally at large shall, on being taken before any one or more justices of the peace having jurisdiction within the said colony, or any part thereof, prove to the reasonable satisfaction of such justice or justices that he or she is not an offender illegally at large, upon which proof such justice or justices shall forthwith order his or her discharge; and in default of such proof, the burthen whereof shall always be upon the person accused, it shall be lawful for such justice or justices to order such person to be detained in custody until it shall be ascertained whether such person is or is not an offender illegally at large.

IV. It shall be lawful for any two justices, on proof that such suspected person is an offender illegally at large, at their discretion, either to cause such person to be conveyed in irons by the most safe and expeditious mode of conveyance to the colony or possession to

which he was transported, or in which he was convicted, to be dealt with according to law, or to sentence such suspected person, if a male, to be kept to hard labour, in irons, on the public works of the said colony of Victoria, for any period not exceeding three years, or if a female, to be imprisoned and kept to hard labour in any of the gaols of the said colony for any period not exceeding two years.

V. All property found upon or in the possession of any person convicted of being an offender illegally at large shall be forfeited; and it shall be lawful for the convicting justices to order the whole or a sufficient part thereof to be applied towards the expense of conveying such offender to the colony or possession to which he was transported or in which he was convicted, as herein-after mentioned.

VI. Every person who shall harbour or conceal any offender illegally at large shall, on conviction thereof before any two justices of the peace having jurisdiction within the said colony of Victoria, or any portion thereof, forfeit and pay for every such offence any sum not exceeding fifty pounds; and in default of immediate payment shall be imprisoned in any of Her Majesty's gaols in the said colony for any period not exceeding six calendar months.

VII. Oral proof that any person was, in Van Diemen's Land, or any other British colony or possession other than the colony of Victoria, known to be or was commonly deemed and reputed to be a transported felon, or a convict under sentence for any capital or transportable offence, shall, for the purposes of this Act, be taken as good *prima facie* evidence that such person was transported to such colony or possession, or convicted therein of a capital or transportable offence, as the case may be; and oral proof that such person was so known, deemed, or reputed, at any period within seven years, shall be taken as good *prima facie* evidence that such person has not served the full period of his sentence or the full term for which he was transported, and has not received such pardon or remission as herein-after mentioned, unless the contrary be proved.

VIII. It shall be lawful for any justice of the peace, having credible information on oath that any offender illegally at large is harboured in any dwelling house or tenement, or other place within his jurisdiction, to grant a general search-warrant to any one or more constables to search for such offender; and it shall be lawful for any such constable or constables, in virtue of such general search-warrant, to break, enter, and search, by day or by night, any dwelling-house, tenement, or other place within such jurisdiction wherein such offender may be suspected to be concealed, and to apprehend or cause to be apprehended any person whom such constable or constables shall have reasonable cause for suspecting to be an offender illegally at large; and also to apprehend all persons found in or about such dwelling-house or tenement, or other place, whom such constable or constables shall have reasonable grounds for suspecting and believing to have knowingly harboured and concealed such offender illegally at large as aforesaid; and all persons so found and apprehended as aforesaid shall, by such constable or constables as aforesaid, be forthwith taken before a justice or justices of the peace having jurisdiction in the locality, for examination, and to be further dealt with according to law.

IX. It shall be lawful for any justice of the peace, or any constable, to enter on board any ship or vessel trading between any of the ports of the said colony of Victoria and of the island of Van Diemen's Land or its dependencies, and having reasonable cause to suspect an offender illegally at large to be on board such ship or vessel, to search any and every part thereof, and apprehend any person found therein whom such justice or constable shall have reasonable cause to suspect to be an offender illegally at large.

X. All Her Majesty's subjects shall be liable to be called upon to aid and assist in executing and enforcing the several provisions of this Act; and every person who shall be so called upon to aid and assist, and shall refuse or neglect so to do, shall be liable to a fine not exceeding five pounds, to be recovered and levied in a summary way before any justice of the peace, over and above any punishment to which such person shall be liable by law.

XI. All fines and penalties recovered under this Act, and all monies and property forfeited and not specially appropriated, shall be applied and go one moiety to Her Majesty, Her heirs and successors, for the public uses of the said colony, and in support of the government thereof, and the other moiety to the use of the informer, or party prosecuting, who shall nevertheless be deemed a competent witness.

XII. All proceedings under this Act shall be had and taken in a summary way, and no such proceeding shall be quashed for want of form, or removed by certiorari or otherwise into the supreme court of the said colony of Victoria.

XIII. If any suit or action shall be brought against any justice of the peace, constable, or other person for any act or thing done in furtherance of the provisions of this Act, the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if the verdict shall be for the defendant, or if the plaintiff in any such action or suit shall be nonsuited, or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant hath in any other case to recover costs by law; and although a verdict shall be given for the plaintiff in any such action, he shall not be entitled to recover any costs against the defendant, unless the judge before whom such action shall be tried shall certify at the trial, and in open court, under his hand, on the back of the record, his approbation of the action and of the verdict obtained thereupon.

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PRÉCIS.

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PRÉCIS.

XIV. Every person who has been or shall be transported for any offence against the laws to any British colony or possession other than the colony of Victoria or of New South Wales, or who has been convicted of any capital or transportable offence in any British colony or possession other than the said colony of Victoria or of New South Wales, and who shall be found in the said colony, not having served the full term for which he or she was transported, or the full period of his sentence, or not having received from Her Majesty a free pardon or remission of his or her sentence, shall for the purposes and in the construction of this Act be deemed to be an offender illegally at large; and the expression "offender illegally at large," wherever it occurs in this Act, shall be taken to signify and denote such person so transported or convicted, and who has not served such term or period, or received such pardon or remission as aforesaid.

XVI. Nothing in this Act contained shall be taken to interfere with Her Majesty's royal prerogative of mercy.

XVI. This Act shall commence and take effect from and after the first day of November in the year of our Lord one thousand eight hundred and fifty-two, and continue in force for two years.

Instruction to Candidate.

Read the preceding documents, observing carefully the difficulties referred to in the despatch, and the justification which they were considered to afford for the course pursued by the Governor of the colony.

Write a clear and explicit answer from the Secretary of State for the Colonies.

The following heads are given you for your letter:—

1. The Secretary appreciates the urgent motives which have led to such a measure.
2. Disapproves of it, as it would deal harshly and unconstitutionally with persons who had received pardon on the condition of their not returning to their own country.
3. Has no doubt the Legislative Council of Victoria viewed the matter in a different light, but he must construe the Act according to what appears to be its real force in law.
4. Another reason for his disapproval is, that a somewhat similar Act, passed in New South Wales, was disallowed by the advice of Lord Grey, and from another, passed in South Australia, Her Majesty's assent was withheld. So that a ground of complaint is to be avoided.
5. There are other minor objections—
 - (1) to Section I., since it makes master mariners and so forth punishable.
 - (2) to Section III., since it authorizes the detention in prison of any one unable to prove his free character.
 - (3) to Section XI., as giving a stimulus to unfounded accusations, and this is especially objectionable in a country where large sums of money must often be in the possession of an inferior class of persons.

Give a very short analysis of the Colonial Act.

N.B.—In writing the above letter express at length the reasons which are indicated in the above notes, and add any others which suggest themselves to you.

TUESDAY AFTERNOON.

CALCULATION OF AVERAGES.

CALCULATION OF
AVERAGES.

The two Tables annexed give:—

- (1) the Total Number of Contributors to the Income Tax under Schedule D, arranged in 17 Classes.
- (2) the Aggregate Amount of Incomes in each Class.

£		£		£
	Under	150	3 5 7 5 1	2 7 1 3 5 6 1
150	to	200	3 9 3 9 7	6 1 9 5 0 3 8
200	to	300	3 0 3 1 8	6 7 5 0 9 0 0
300	to	400	1 4 9 1 3	4 7 8 7 0 6 1
400	to	500	7 2 2 7	3 0 6 2 1 9 9
500	to	600	5 4 9 3	2 8 3 0 6 7 6
600	to	700	3 0 8 3	1 9 1 2 0 7 3
700	to	800	2 1 6 5	1 5 7 7 1 8 5
800	to	900	1 6 9 3	1 4 0 1 6 2 6
900	to	1,000	8 7 7	8 1 5 9 2 6
1,000	to	2,000	5 3 0 2	6 9 3 2 9 9 1
2,000	to	3,000	1 5 3 9	3 5 4 0 8 7 7
3,000	to	4,000	7 4 5	2 4 6 7 9 5 7
4,000	to	5,000	4 2 1	1 8 1 3 9 2 0
5,000	to	10,000	7 9 6	5 2 9 1 2 5 8
10,000	to	50,000	3 7 4	6 5 8 2 6 2 6
50,000 and upwards		-	2 0	1 4 3 1 2 4 2
Totals				

Calculate:—

- (1) the Average Income of Persons in each Class.
- (2) the General Average Income of all Persons contributing to the Income Tax under Schedule D.

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BOOK-KEEPING.

TUESDAY AFTERNOON.

BOOK-KEEPING (ELEMENTARY).

1. What is the meaning of the terms "debit" and "credit"?
2. Which side of an account book is allotted to debit accounts, and which to credit accounts?
3. What is the balance of an account?
4. On which side of a cash book must the balance always fall?
5. On which side of a cash book should an amount paid away be entered?
6. A. transmits to B. 400*l.*, with directions to pay J. Brown 33*l.* 2*s.* 6*d.*, J. Smith 49*l.* 5*s.* 9*d.*, W. Eve 50*l.*, W. Robinson 99*l.* 13*s.* 9*d.*, each less $2\frac{1}{2}$ per cent.; and W. Walker 47*l.* 16*s.* 8*d.*, H. Biggs 53*l.* 13*s.* 4*d.*, and Charles Bunce 61*l.* 8*s.*, each less 5 per cent.; and to retain the balance, if any, till further instructions. Supposing that B. has done all this, make out such an account as it would be necessary for him to send to A. to show exactly what has taken place.
7. Give the entries of the same transactions, as A. would enter them in his cash book on receiving the above account.
8. State in few words what "book-keeping by doubly entry" is, and in what it is preferable to "book-keeping by single entry."

FRIDAY MORNING.

ALGEBRA AND GEOMETRY.

ALGEBRA AND
GEOMETRY.

1. Multiply together $x + 2\sqrt{xy} + 3y$, and $x - 2\sqrt{xy} + y$; also $a + b + c$, $-a + b + c$, $a - b + c$, and $a + b - c$.

2. Simplify the expression—

$$\frac{x^2 - y^2 + 2x^{\frac{2}{3}}y^{\frac{1}{3}} + 2x^{\frac{1}{3}}y^{\frac{2}{3}}}{x^3 + y^3}$$

3. Extract the square root of—

$$a^2x^2 + 4abx + 6ac + 4b^2 + \frac{12bc}{x} + \frac{9c^2}{x^2}$$

4. Solve the equations—

$$(1) \frac{x}{8} - \frac{2(x-1)}{5} = \frac{3x-4}{15} + \frac{x}{12}$$

$$(2) 7x^2 - 11x = 6.$$

$$(3) x^4 + 1 = x(x^2 - x\sqrt{2} + 1).$$

$$(4) \begin{cases} \frac{x+y-\sqrt{x^2+y^2}}{x+y+\sqrt{x^2+y^2}} = \frac{2x}{a} \\ x = \sqrt{\frac{a+x}{a-y}} \end{cases}$$

5. Find three numbers such that the differences between each and the sum of the other two and their product are in the ratios 1 : 3 : 5 : 192.

6. Prove that—

(1) The difference of the squares of any two odd numbers is divisible by 8.

(2) Every square is the sum of as many consecutive odd numbers as there are units in the root.

7. How many terms are there in the expansion of $(3x - 8y)^6$? Write down the third term.

8. Prove the formulæ for the summation of arithmetical and geometric series; and sum the following:—

$$7 + 3 - 1 - \dots \text{ to } n \text{ terms.}$$

$$1 - \frac{1}{3} + \frac{1}{9} - \dots \text{ to infinity.}$$

9. Find the least positive integer solution of $13x - 9y = 3$.

10. Determine the number of permutations of n letters taken r together, noticing the case in which $n = r$, and certain letters recur. Ex.: Sebastopol.

11. Prove the formulæ—

$$\cos(A+B) = \cos A \cos B - \sin A \sin B.$$

$$\cos 2A + \cos 4A = 2 \cos 3A \cos A.$$

12. Given two sides and the included angle of a triangle: find the other angles and the third side.

13. Determine the exponential expressions for $\sin A$ and $\cos A$.

14. Describe Hadley's sextant.

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ALGEBRA AND
GEOMETRY.

15. A triangular field A B C has two rectilinear sides A B, A C, and one curvilinear B C. Explain how to survey it; and if it be found that A B = 12'53 chains rectilinear distance, B C = 8'46 chains, and perpendicular from C on A B = 5'25 chains, determine the approximate area, assuming any curvature you please; or determine the area and draw the figure from the following notes—

	B C
0	8 4 6
6 4	6 0 0
8 5	4 0 0
5 0	2 0 0
0	0 0 0
	R off B
	A B
	1 2 5 3
	4 8 6 5 2 5 C

Begin at A and go west.

16. Define a straight line, a plane angle, a circle, a segment of a circle, a parallelogram, proportion, reciprocal proportion.
17. The angles which one straight line makes with another upon one side of it are either two right angles or are together equal to two right angles.
18. Divide a straight line into two parts, so that the rectangle contained by the whole and one of the parts shall be equal to the square of the other part.
19. If two circles cut each other, the straight line joining their centres will bisect their common chord at right angles.
20. Draw a straight line from a given point, either without or in the circumference, which shall touch a given circle.
21. Inscribe a circle in a given triangle.
22. If the sides of two triangles about each of their angles be proportionals, the triangles shall be equiangular, and have their equal angles opposite to the homologous sides.

FRIDAY AFTERNOON.

HISTORY.

HISTORY.

In questions 1 and 6 only (1) or (2) are to be answered.

1. State fully the benefits which you consider to have resulted—
 - (1) to Europe from the Crusades.
 - (2) to England from the Norman Conquest.
2. What were the claims—
 - (1) of Edward III. to the throne of France?
 - (2) of Henry VII., and of James I., to the crown of England?
3. At what periods of English History did the principle of elective monarchy prevail over that of hereditary succession?
4. What were the Petition of Right, Instrument of Government, Act of Uniformity, Act of Settlement, and Act of Navigation?
5. Explain fully the allusions contained in the following passage:—

“After half a century, during which England had been of scarcely more weight in European politics than Venice or Saxony, she at once became the most formidable power in the world; dictated terms of peace to the United Provinces; avenged the common injuries of Christendom on the pirates of Barbary; vanquished the Spaniards by land and sea; seized one of the finest West India islands; and acquired on the Flemish coast a fortress which consoled the national pride for the loss of Calais.”
6. What important constitutional questions were raised—
 - (1) by the illness of George III.?
 - (2) by the protracted trial of Warren Hastings?
7. State very briefly the occasions on which *six* of the following battles were fought, and discuss more fully their political results:—
 - (1) Agincourt, Bannockburn, Culloden, Dettingen, Hastings, Naseby.
 - (2) Barnet, Jena, Jena, Pavia, Pultowa, Tewkesbury.

N.B.—*Three* battles are to be selected from each class.
8. What wars were ended by the following peaces:—

Versailles, Bretigni, Westphalia, Utrecht? Give the dates and principal articles of agreement.
9. When did England gain possession of the following places:—

Canada, the Cape of Good Hope, Corfu, Ceylon, and New York? From whom respectively were they taken?
10. Who was the first King of Prussia? Give his former title, and the circumstances which led to its being changed.
11. On what pretext did Charles VIII. of France invade Italy?
12. When was the Spanish power at its height, and what led to its decline?

SATURDAY MORNING.

NATURAL SCIENCE.

1. State the three laws of motion. Are they to be deduced from experiment or from *a priori* principles?
2. Define centre of gravity, and find the centre of gravity of any triangle.
3. Explain some of the methods by which the sphericity of the earth is demonstrated.
4. Describe the transit instrument, and the mode in which accuracy in its position is attained.
5. Explain the terms tropical, anomalistic, and sidereal year, lunar cycle, indiction.
6. Give as accurate an account as you can of lunar eclipses.
7. State Kepler's laws.
8. Explain the general objects of a kalendar, and state the Gregorian rule.
9. Mention any explanations that have been suggested of the origin of solar heat, and the arguments by which they have been supported.
10. Explain the reason why objects reflected in a mirror appear to lie behind it.
11. The laws of reflection and refraction: Mention any natural phenomena which are explained by the latter.
12. What would be the optical effect of placing oneself between two mirrors inclined at an angle of 45° ?
13. Describe in detail the optical arrangements of any one kind of telescope.
14. Define specific gravity, and explain how by means of a hydrometer the specific gravity of a fluid may be ascertained.
15. Find how much lead, whose specific gravity is 11.4, will just sink a cubic foot of cork whose specific gravity is .2 in water; the weight of a cubic foot of water being 1,000 oz.
16. Explain the method of graduating thermometers.
17. Explain the Leyden jar.
18. What is meant by the variation of the needle?
19. What are the principal sedimentary strata?
20. What arguments do Geology and Astronomy furnish in favour of internal heat in the earth?

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NATURAL
SCIENCE.

SATURDAY AFTERNOON.

GEOGRAPHY.

1. Define the following geographical terms, and mention any countries or districts to which they apply:
Archipelago, Chersonese, Delta, Steppe, Savannah, Sound, Fiord, Lagoon.
2. Trace the course of *four* of the following rivers, stating the countries through which they flow, and the principal towns on their banks:—
Danube, Amazon, Oder, Indus, Nile, Dnieper.
3. Where are Behring Straits, the Straits of Babelmandel and Bonifaccio, and the Kattegat?
4. Into how many departments is France divided? Give the names of any you remember, and mention the provinces to which they most nearly correspond respectively.
5. What is the Zollverein?
6. What were the Hanseatic towns, and why so called?
7. Mention the requisites of a good map.
8. Draw a map, either of England and Wales, inserting the county towns and principal seaports, or of Palestine, according to its territorial divisions at the date of our Saviour's birth, indicating the position of the Jewish tribes.
9. Trace the course of the Gulf Stream.
10. Where are the following towns situated:—
Barcelona, Messina, Liege, Mosul, Nantes, Nancy, Dinan, Dinant, Kiev, Coleraine, Vera Cruz, and Hyderabad?
11. What are the principal passes of the Alps? Mention any theories which have been held as to the probable route of Hannibal in crossing them, and give your own opinion.
12. Show how the character of a nation may be influenced by its geology and physical geography.

GEOGRAPHY.

III.
Miscellaneous
Papers, used at
various
Examinations.

LATIN.

III.

MISCELLANEOUS PAPERS, used at various EXAMINATIONS.

1.—LATIN.*

Translate:—

C.

LIVY.

Cum jam humanæ opes egestæ a Veis essent, amoliri tum Deûm dona ipsosque Deos, sed colentium magis, quam rapientium, modo, cœpere; namque delècti ex omni exercitu juvenes, pure lautis corporibus, candidâ veste, quibus deportanda Romam Regina Juno assignata erat, venerabundi templum iniere, primo religiose admoventes manus; quod id signum more Etrusco, nisi certæ gentis sacerdos, attrectare non esset solitus: dein, cum quidam, seu spiritu divino tactus, seu juvenali joco, ‘Visne Romam ire Juno?’ dixisset, annuisse ceteri Deam conclamaverunt: inde fabulæ adjectum est, vocem quoque dicentis, ‘Velle’ auditam. Motam certe sede suâ parvi molimenti adminiculis, sequentis modo accepimus levem ac facilem translatu fuisse: integramque in Aventinum, æternam sedem suam, quo vota Romani dictatoris vocaverant, perlatam, ubi templum ei postea idem, qui voverat, Camillus dedicavit. Hic Veiorum occasus fuit, urbis opulentissimæ Etrusci nominis, magnitudinem suam vel ultimâ clade indicantis: quod decem æstates hyemesque continuas circumsessâ, cum plus aliquanto cladium intulisset, quam accepisset, postremo, jam fato tum denique urgente, operibus tamen, non vi, expugnata est.

VIRGIL.

Hic Ammone satus, raptâ Garamantide Nymphâ,
Templa Jovi centum latis immania regnis,
Centum aras posuit; vigilemque sacraverat ignem
Excubias Divûm æternas, pecudumque cruore
Pingue solum, et variis florentia limina sertis.
Isque amens animi et rumore accensus amaro,
Dicitur ante aras, media inter numina Divûm,
Multa Jovem manibus supplex orâsse supinis:
Jupiter omnipotens, cui nunc Maurusia pictis
Gens epulata toris Lenæum libat honorem,
Aspicias hæc? an te, genitor, cum fulmina torques,
Nequicquam horremus? cæcique in nubibus ignes
Terrificant animos, et inania murmura miscent?
Fœmina, quæ nostris errans in finibus urbem
Exiguam pretio posuit; cui littus arandum,
Cuique loci leges dedimus, connubia nostra
Repulit, ac dominum Ænean in regna recepit.
Et nunc ille Paris cum semiviro comitatu,
Mæoniâ mentum mitrâ crinemque madentem
Subnexus, raptò potitur; nos munera templis
Quippe tuis ferimus, famamque fovemus inanem.

TACITUS.

Vespasianus acer militiæ, anteire agmen, locum castris capere, noctu diuque consilio ac, si res posceret, manu hostibus obniti, cibo fortuito, veste habituque vix a gregario milite discrepans; prorsus, si avaritia abesset, antiquis ducibus par. Mucianum e contrario magnificentia et opes et cuncta privatum modum supergressa extollebant; aptior sermone, dispositu provisuque civilium rerum peritus: egregium principatus temperamentum, si demptis utriusque vitiis solæ virtutes miscerentur. Ceterum hic Syriæ, ille Judææ præpositus, vicinis provinciarum administrationibus, invidia discordes, exitu demum Neronis, positis odiis, in medium consulere, primum per amicos: dein præcipua concordiæ fides Titus, prava certamina communi utilitate aboleverat, naturâ atque arte compositus adliciendis etiam Muciani moribus. Tribuni centurionesque et, vulgus militum, industriâ, licentiâ, per virtutes per voluptates, ut cuique ingenium, adsciscebantur.

HORACE.

Divis orte bonis, optime Romulæ
Custos gentis, abes jam nimium diu:
Maturum reditum pollicitus patrum
Sancto concilio, redi.

* The offices in which *Latin* is either a prescribed subject or one of two or more subjects, one of which must be selected, are (omitting those from which no candidate has yet been sent), ADMIRALTY (Somerset House branch); CIVIL SERVICE COMMISSION, and the WAR DEPARTMENT (Secretary of State's Office and Pall Mall Offices). In the ADMIRALTY and the WAR DEPARTMENT *Latin* or a modern language is the prescribed subject. The papers which follow have been set to candidates from the above-mentioned departments, and in no other case except where *Latin* has been named as a voluntary or extra subject by candidates from other departments.

Lucem redde tuæ, dux bone, patriæ :
 Instar veris enim vultus ubi tuus
 Affulsit populo, gratior it dies,
 Et soles melius nitent.
 Ut mater juvenem, quem Notus invido
 Flatu Carpathii trans maris æquora
 Cunctantem spatio longius annuo
 Dulci distinet a domo,
 Votis, ominibusque, et precibus vocat,
 Curvo nec faciem littore demovet ;
 Sic desideriiis ieta fidelibus
 Quærit patria Cæsarem.
 Tutus bos etenim rura perambulat ;
 Nutrit culta Ceres, almaque Faustitas ;
 Pacatum volitant per mare navitæ ;
 Culpari metuit fides.
 Nullis polluitur casta domus stupris ;
 Mos et lex maculosum edomuit nefas ;
 Laudantur simili prole puerperæ ;
 Culpam pœna premit comes.
 Quis Parthum paveat ? quis gelidum Scythen ?
 Quis Germania quos horrida parturit
 Fœtus, incolumi Cæsare ? Quis feræ
 Bellum curet Iberiæ ?
 Condit quisque diem collibus in suis,
 Et vitem viduas ducit ad arbores ;
 Hinc ad vina redit lætus, et alteris
 Te mensis adhibet deum.
 Te multâ prece, te prosequitur mero
 Defuso pateris ; et Laribus tuum
 Miscet numen, uti Græcia Castor
 Et magni memor Herculis.
 Longas, o utinam, dux bone, ferias
 Præstes Hesperia, dicimus integro
 Sicci mane die : dicimus uvidi,
 Cum sol oceano subest.

III.
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 LATIN.

D.

(Prepared for the competitive Examination of 4th October.)

CICERO.

O fallacem hominum spem, fragilemque fortunam, et inanes nostras contentiones ! quæ in medio spatio sæpe franguntur, et corruunt, et ante, in ipso cursu, obruuntur, quam portum conspicerere potuerunt. Nam, quandiu Crassi fuit ambitionis labore vita districta, tandiu privatis magis officiis et ingenii laude floruit, quam fructu amplitudinis, aut reipublicæ dignitate. Qui autem ei annus primus ab honorum perfunctione aditum, omnium concessu, ad summam auctoritatem dabat, is ejus omnem spem atque omnia vitæ consilia morte pervertit. Fuit hoc luctuosum suis, acerbum patriæ, grave bonis omnibus ; sed ii tamen rempublicam casus secuti sunt, ut mihi non erepta L. Crasso a diis immortalibus vita, sed donata mors esse videatur. Non vidit flagrantem bello Italiam, non ardentem invidiâ senatum, non sceleris nefarii principes civitatis reos, non luctum filiæ, non exilium generi, non acerbissimam C. Marii fugam, non illam post reditum ejus cædem omnium crudelissimam, non denique in omni genere deformatam eam civitatem, in quâ ipse florentissimâ multum omnibus gloriâ præstitisset.

TACITUS.

Ferebant periti cœlestium, 'iis motibus siderum excessisse Româ Tiberium ;' ut reditus 'illi negaretur ;' unde exitii causa multis fuit, properum finem vitæ conjectantibus vulgantibusque : neque enim tam incredibilem casum providebant, ut undecim per annos libens patriâ careret. Mox patuit breve confinium artis et falsi ; veraque quàm obscuris tegerentur : nam 'in Urbem non regressurum,' haud fortè dictum : ceterorum nescii egere, quum propinquo rure aut litore, et sæpe mœnia Urbis adsidens, extremam senectam compleverit.

HORACE.

Parcus Deorum cultor et infrequens,
 Insanientis dum sapientiæ
 Consultus erro ; nunc retrorsum
 Vela dare, atque iterare cursus

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LATIN.

Cogor relictos. Namque Diespiter,
Igni corusco nubila dividens
Plerumque, per purum tonantes
Egit equos volucremque currum;
Quo bruta tellus, et vaga flumina,
Quo Styx, et invisi horrida Tænari
Sedes, Atlanteusque finis
Concutitur. Valet ima summis
Mutare, et insignem attenuat Deus,
Obscura promens. Hinc apicem rapax
Fortuna cum stridore acuto
Sustulit: hinc posuisse gaudet.

VIRGIL.

Huc geminas nunc flecte acies: hanc aspice gentem,
Romanosque tuos. Hic Cæsar, et omnis Iuli
Progenies, magnum cœli ventura sub axem.
Hic vir, hic est, tibi quem promitti sæpius audis,
Augustus Cæsar, Divi genus; aurea condet
Secula qui ruscus Latio, regnata per arva
Saturno quondam; super et Garamantas et Indos
Proferet imperium: jacet extra sidera tellus,
Extra anni solisque vias, ubi cœlifer Atlas
Axem humero torquet stellis ardentibus aptum
Hujus in adventum jam nunc et Caspia regna
Responsis horrent Divum; et Mæotia tellus,
Et septemgemini turbant trepida ostia Nili.

E.

(Prepared for the competitive Examination of 11th October.)

Translate:—

Agrigentinum quidem, doctum quendam virum, carminibus Græcis vaticinatum ferunt: quæ in rerum naturâ totoque mundo constarent, quæque moverentur, ea contrahere amicitiam, dissipare discordiam. Atque hoc quidem omnes mortales et intelligunt, et re probant. Itaque, si quando aliquod officium exstitit amici in periculis aut adeundis, aut communicandis, quis est, qui id non maximis efferat laudibus? qui clamores tota cavea nuper in hospitis et amici mei M. Pacuvii nova fabula: eum, ignorante rege, uter eorum esset Orestes, Pylades Orestem se esse diceret, ut pro illo necaretur: Orestes autem, ita ut erat, Orestem se esse perseveraret? Stantes plaudebant in re fictâ: quid arbitramur in verâ fuisse facturos? Facile indicabat ipsa natura vim suam: quum homines, quod facere ipsi non possent, id recte fieri in altero judicarent. Hactenus mihi videor, de amicitia, quid sentirem, potuisse dicere. Si qua præterea sunt, ab iis, si videbitur, qui ista disputant, quæritote.

Nihil minus quæsitum a principio hujus operis videri potest quam ut plus justo ab rerum ordine declinarem, varietatibusque distinguendo opere et legentibus velut deverticula amœna et requiem animo meo quærerem. Tamen tanti regis ac ducis mentio quibus sæpe tacitis cogitationibus volutavit animum, eas evocat in medium, ut quærere libeat quanam eventus Romanis rebus, si cum Alexandro foret bellatum, futurus fuerit. Plurimum in bello pollere videntur militum copia et virtus, ingenia imperatorum, fortuna per omnia humana, maxime in res bellicas, potens. Ea et singula intuenti et universa, sicut ab aliis regibus gentibusque, ita ab hoc quoque facile præstant invictum Romanum imperium. Jam primum, ut ordiar ab ducibus comparandis, haud equidem abnuo egregium ducem fuisse Alexandrum; sed clariorem tamen eum facit, quod unus fuit, quod adolescens in incremento rerum, nondum alteram fortunam expertus, decessit.

Reges dicuntur multis urgere culullis
Et torquere mero quem perspexisse laborant,
An sit amicitia dignus: si carmina condēs,
Nunquam te fallant animi sub vulpe latentes.
Quintilio si quid recitares, "Corrige sodes
Hoc" aiebat, "et hoc:" melius te posse negares
Bis terque expertum frustra, delere jubebat
Et male tornatos incudi reddere versus.
Si defendere delictum quam vertere malles,
Nullum ultra verbum aut operam insumebat inanem
Quin sine rivali teque et tua solus amares.
Vir bonus et prudens versus reprehendet inertes,
Culpabit duos, incompitis adlinet atrum

Transverso calamo signum, ambitiosa recidet
Ornamenta, parum claris lucem dare coget,
Arguet ambigue dictum, mutanda notabit,
Fiet Aristarchus: non dicet: "Cur ego amicum
Offendam in nugis?" Hæ nugæ seria ducent
In mala derisum semel exceptumque sinistre.

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LATIN.

Tybris ea fluvium, quam longa est, nocte tumentem
Leniit, et tacitâ refluens ita substitit undâ,
Mitis ut in morem stagni placidæque paludis
Sterneret æquor aquis, remo ut luctamen abesset.
Ergo iter inceptum celerant rumore secundo.
Labitur uncta vadis abies; mirantur et undæ,
Miratur nemo insuetum fulgentia longe
Scuta virum fluvio, pictasque innare carinas.
Illi remigio noctemque diemque fatigant,
Et longos superant flexus, variisque teguntur
Arboribus, viridisque secant placido æquore silvas.
Sol medium cœli conscenderat igneus orbem,
Cum muros arcemque procul ac rara domorum
Tecta vident; quæ nunc Romana potentia cœlo
Æquavit; tum res inopes Evandrus habebat.
Ociûs advertunt proras, urbique propinquant.

Translate into Latin Prose:—

Such situations bewilder and unnerve the weak, but call forth all the strength of the strong. Surrounded by snares in which an ordinary youth would have perished, William learnt to tread at once warily and firmly. Long before he reached manhood he knew how to keep secrets, how to baffle curiosity by dry and guarded answers, how to conceal all passions under the same show of grave tranquillity. Meanwhile he made but little proficiency in fashionable or literary accomplishments. The manners of the Dutch nobility of that age wanted the grace which was found in the highest perfection among the gentlemen of France, and which, in an inferior degree, embellished the Court of England, and his manners were altogether Dutch. Even his countrymen thought him blunt. To foreigners he often seemed churlish. In his intercourse with the world in general he appeared ignorant or negligent of those arts which double the value of a favour and take away the sting of a refusal.

F.

(Prepared for the competitive Examination of 13th December.)

Translate:—

Adherbal ubi intelligit omnes suas fortunas in extremo sitas, hostem infensum, auxilii spem nullam, penuriâ rerum necessariarum bellum trahi non posse; ex his, qui unâ Cirtam profugerant, duo maxime impigros delegit, eos multa pollicendo ac miserando casum suum confirmat, uti per hostium munitiones noctu ad proximum mare, dein Romam pergerent.

Numidæ paucis diebus jussa efficiunt: literæ Adherbalis in senatu recitatæ, quarum sententia hæc fuit:

"Non meâ culpâ sæpe ad vos oratum mitto, Patres Conscripti, sed vis Jugurthæ subigit: quem tanta lubido extinguendi me invasit, uti neque vos, neque Deos immortales in animo habeat; sanguinem meum, quam omnia, malit. Itaque quintum jam mensem socius et amicus populi Romani armis obsessus teneor: neque mihi Micipsæ patris beneficia, neque vestra decreta auxiliantur. Ferro an fame acrius urgear, incertus sum. Plura de Jugurthâ scribere, dehortatur fortuna mea: etiam antea expertus sum, parum fidei miseris esse. At vero initio occidit Hiempsalem fratrem meum, dein patrio regno me expulit. Quæ sane fuerint nostræ injuriæ, nihil ad vos. Verum nunc vestrum regnum armis tenet: me quem imperatorem Numidis posuistis, clausum obsidet: legatorum verba quanti fecerit, pericula mea declarant."

Phœbus volentem prælia me loqui,
Victas et urbes, increpuit lyrâ,
Ne parva Tyrrhenum per æquor
Vela darem. Tua, Cæsar, ætas
Fruges et agris retulit uberes,
Et signa nostro restituit Jovi,
Direpta Parthorum superbis
Postibus: et vacuum duellis
Janum Quirini clausit: et ordinem
Rectum evaganti fræna licentiæ
Injecit; emovitque culpas,
Et veteres revocavit artes,

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LATIN.

Per quas Latinum nomen et Italæ
Crevere vires, famaue et imperi
Porrecta majestas ad ortum
Solis ab Hesperio cubili.
Custode rerum Cæsare, non furor
Civilis, aut vis exiget otium;
Non ira, quæ procudit enses,
Et miseras inimicat urbes.

Angebant Cæcinam nequidquam omnia cœpta, et senescens exercitûs sui fama. Pulsus Placentia, cæsis nuper auxiliis, etiam per concursum exploratorum, crebra magis quam digna memoratu prœlia, inferior; propinquante Fabio Valente, ne omne belli decus illuc concederet, recipere gloriam, avidius quam consultius properabat. Ad duodecimum a Cremona (locus Castorum vocatur) ferocissimos auxiliarium, imminentibus viæ lucis occultos, componit. Equites procedere longius jussi, et, inritato prœlio sponte refugi, festinationem sequentium elicere, donec insidiæ coirentur. Proditum id Othonianis ducibus: et curam peditum Paullinus, equitum Celsus, sumpsere. Tertiadecimæ legionis vexillum, quatuor auxiliorum cohortes et quingenti equites in sinistro locantur; aggerem viæ tres prætoriae cohortes altis ordinibus obtinere: dextrâ fronte prima legio incessit, cum duabus auxiliariis cohortibus et quingentis equitibus. Super hos, e prætorio auxiliisque mille equites, cumulus prosperis aut subsidium laborantibus, ducebantur.

Quod superest, ubi pulsam hyemem Sol aureus egit
Sub terras, cœlumque æstivâ luce reclusit,
Illæ continuò saltus silvasque peragrant,
Purpureosque metunt flores, et flumina libant
Summa leves. Hinc nescio quâ dulcedine lætæ
Progeniem nidosque foveant; hinc arte recentes
Excudunt ceras, et mella tenacia fingunt.
Hinc ubi jam emissum caveis ad sidera cœli
Nare per æstatem liquidam suspexeris agmen,
Obscuramque trahi vento mirabere nubem,
Contemplator: aquas dulces et frondea semper
Tecta petunt. Huc tu jussos asperge saporis,
Trita melisphylla, et cerinthæ ignobile gramen
Tinnitusque cie, et Matris quate cymbala circum.
Ipsæ consident medicatis sedibus; ipsæ
Intima more suo sese in cunabula condent.

Translate into Latin Prose:—

Instead of securing his fidelity, these favours served only to inflame the ambition of the Thracian peasant, who deemed his fortune inadequate to his merit, as long as he was constrained to acknowledge a superior. Though a stranger to real wisdom, he was not devoid of a selfish cunning, which showed him that the Emperor had lost the affection of the army, and taught him to improve their discontent to his own advantage.

It is easy for faction and calumny to shed their poison on the administration of the best of princes, and to accuse even their virtues by artfully confounding them with those vices to which they bear the nearest affinity. The troops listened with pleasure to the emissaries of Maximin. They blushed at their own ignominious patience, which during thirteen years had supported the vexatious discipline imposed by an effeminate Syrian, the timid slave of his mother and of the senate. It was time, they cried, to cast away that useless phantom of the civil power, and to elect for their prince and general a real soldier, educated in camps, exercised in war, who would assert the glory, and distribute among his companions the treasures of the empire.

FRENCH.

2. FRENCH.*

B.

(Prepared for the competitive Examination of 2d August, but not then used.)

Translate—

Nous allâmes toute la nuit, selon notre louable coutume; et nous nous trouvâmes, au lever de l'aurore, auprès d'un petit village à deux lieues de Ségorbe. Comme nous étions

* The offices in which French is either a prescribed subject, or one of two or more subjects, one of which must be selected, are (omitting those offices from which no candidate has yet been sent) ADMIRALTY (Somerset House); CIVIL SERVICE COMMISSION; POST OFFICE (Secretary's office); WAR DEPARTMENT (Secretary of State's office and Pall Mall office). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where French has been named as a voluntary or extra subject by candidates from other departments.

tous fatigués, nous quittâmes volontiers le grand chemin pour gagner des saules que nous aperçûmes au pied d'une colline à dix ou douze cents pas du village, où nous ne jugeâmes pas à propos de nous arrêter. Nous trouvâmes que ces saules faisaient un agréable ombrage, et qu'un ruisseau lavait le pied de ces arbres. L'endroit nous plut, et nous résolûmes d'y passer la journée. Nous mimés donc pied à terre. Nous débridâmes nos chevaux pour les laisser paître, et nous nous couchâmes sur l'herbe. Nous nous y reposâmes un peu ; ensuite nous achevâmes de vider notre bissac et notre outre. Après un ample déjeuner, nous nous amusâmes à compter tout l'argent que nous avions pris à Samuel Simon ; ce qui se montait à trois mille ducats, de sorte qu'avec cette somme et celle que nous avions déjà, nous pouvions nous vanter de n'être point mal en fonds.

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FRENCH.

C'était pendant l'horreur d'une profonde nuit ;
Ma mère Jézabel devant moi s'est montrée,
Comme au jour de sa mort, pompeusement parée :
Ses malheurs n'avaient point abattu sa fierté ;
Même elle avait encore cet éclat emprunté
Dont elle eut soin de peindre et d'orner son visage,
Pour réparer des ans l'irréparable outrage :
" Tremble, m'a-t-elle dit, fille digne de moi ;
" Le cruel Dieu des Juifs l'emporte aussi sur toi.
" Je te plains de tomber dans ses mains redoutables,
" Ma fille." En achevant ces mots épouvantables,
Son ombre vers mon lit a paru se baisser :
Et moi, je lui tendais les mains pour l'embrasser ;
Mais je n'ai plus trouvé qu'un horrible mélange
D'os et de chair meurtris et traînés dans la fange,
Des lambeaux pleins de sang, et des membres affreux
Que des chiens dévorants se disputaient entre eux.

ABNER. Grand Dieu !

ATHALIE. Dans ce désordre à mes yeux se présente
Un jeune enfant couvert d'une robe éclatante,
Tel qu'on voit des Hébreux les prêtres revêtus.
Sa vue a ranimé mes esprits abattus.
Mais lorsque, revenant de mon trouble funeste,
J'admirais sa douceur, son air noble et modeste,
J'ai senti tout à coup un homicide acier
Que le traître en mon sein a plongé tout entier.

DAMIS. Que la foudre, sur l'heure, achève mes destins,
Qu'on me traite partout du plus grand des faquins,
S'il est aucun respect ni pouvoir qui m'arrête,
Et si je ne fais pas quelque coup de ma tête !

DORINE. De grace, modérez un tel emportement :
Votre père n'a fait qu'en parler simplement.
On n'exécute pas tout ce qui se propose,
Et le chemin est long du projet à la chose.

DAMIS. Il faut que de ce fat j'arrête les complots,
Et qu'à l'oreille un peu je lui dise deux mots.

DORINE. Ah ! tout doux ! envers lui comme envers votre père,
Laissez agir les soins de votre belle-mère.
Sur l'esprit de Tartufe elle a quelque crédit ;
Il se rend complaisant à tout ce qu'elle dit,
Et pourroit bien avoir douceur de cœur pour elle.
Plût à Dieu qu'il fût vrai ! la chose serait belle.
Enfin, votre intérêt l'oblige à le mander :
Sur l'hymen qui vous trouble elle veut le sonder,
Savoir ses sentiments et lui faire connaître
Quels fâcheux démêlés il pourra faire naître
S'il faut qu'à ce dessein il prête quelque espoir.
Son valet dit qu'il prie, et je n'ai pu le voir ;
Mais ce valet m'a dit qu'il s'en allait descendre.
Sortez donc, je vous prie, et me laissez l'attendre.

DAMIS. Je puis être présent à tout cet entretien.

DORINE. Point. Il faut qu'ils soient seuls.

DAMIS. Je ne lui dirai rien.

DORINE. Vous vous moquez : on sait vos transports ordinaires :
Et c'est le vrai moyen de gâter les affaires.
Sortez.

DAMIS. Non ; je veux voir, sans me mettre en courroux.

DORINE. Que vous êtes fâcheux ! Il vient. Retirez-vous.

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FRENCH.

L'observation attentive des faits n'en donne pas moins le résultat suivant, c'est que l'impôt, à l'instant où il est acquitté à titre de contribution foncière sur une terre ou sur une usine, à titre de droit de douanes sur une matière première passant aux frontières, à titre d'octroi sur une denrée passant aux portes d'une ville, frappe momentanément celui qui le paye, mais bientôt remboursé avec le prix des choses par l'acheteur, finit par ne retomber que sur l'acheteur même, en proportion de ses achats ; et je ne puis mieux comparer ce qui se passe ici qu'à ce magnifique phénomène de la lumière, laquelle commence par tomber en ligne directe sur les objets, et s'appelle dans ce moment *lumière rayonnante*, puis se réfléchit des uns sur les autres, remplit l'atmosphère comme un fluide, atteint et rend visibles les objets mêmes qui ne sont pas exposés à son rayonnement direct, et, dans ces répercussions infinies, qui font que tout objet en a sa part, s'appelle alors *lumière diffuse*. C'est pour cela que j'ai appelé diffusion de l'impôt ce phénomène économique.

Certainement il y a du mal, beaucoup de mal ; il faut en diminuer la somme. Il faut convertir ce pain noir en pain blanc, ces légumes arrosés d'un peu de lard en viande, ces haillons en un bon vêtement, cette chaumière fétide en une maison bien bâtie, cette ignorance brutale en douce intelligence des choses, cette stupide envie en une fraternité sincère. Mais il faut en prendre le temps, et y procéder par des moyens éprouvés, ce qui n'exclut pas les moyens nouveaux. Il faut pourtant ne pas laisser ignorer à ce peuple, que même après avoir opéré tout ces changements, son cœur restera plein de douleurs quelquefois intolérables. N'est-il pas cent fois mieux que dans le moyen âge, au temps de la lèpre, des contagions, des disettes générales, cent fois mieux que sous Louis XIV., sous Louis XVI., sous Napoléon ? Eh bien, entendez les cris de douleur qu'il pousse de toutes parts—entendez-les ! Supprimez même ces cris, et il restera encore un long et continu gémississement. Mais ce gémississement quel est-il ? C'est celui du cœur humain. Remontez dans les siècles—allez de la féodalité à l'empire Romain, sous l'empire Romain choisissez la félicité des Antonins, le long repos d'Auguste ; allez en Grèce, visitez ses villes si opulentes, la brillante Athènes et la riche Corinthe : redescendez le temps ; parcourez les deux hémisphères, de chez l'indolent Indien, de chez le laborieux Chinois, qu'un peu de riz alimente, revenez chez d'autres peuples, passe l'Océan, parcourez d'un pôle à l'autre ces Amériques, s'avancant comme deux grandes îles entre les deux océans, suivez dans ses courses ce sauvage qui, dans les Savanes, n'a d'autre risque à courir que d'atteindre ou de manquer le bison dont il mange la chair, et qui, plaçant sa patrie dans les os de ses ancêtres, qu'il porte avec lui enfermés dans des fourrures, a tant réduit les hasards de la vie ; revenez sur les bâtiments de l'Américain ou de l'Anglais, admirez l'opulence assise sur les bords de la Tamise ou du Zuiderzée, venez voir enfin les pères de l'Oberland, observez en un mot l'universalité du genre humain, écoutez tous les cœurs : n'y a-t-il pas une douleur commune au fond de tous ?

C.

Translate : —

La reine d'Angleterre ne se rendit pas aux prières de Marie Stuart, et dissipa bientôt ses espérances. En apprenant que son ancienne rivale s'était mise à sa discrétion, elle se demanda ce qu'elle devait en faire. La ramènerait-elle triomphante en Ecosse ? Lui accorderait-elle simplement l'hospitalité en Angleterre ? Lui permettrait-elle de se retirer librement en France ? Tels étaient les trois partis qu'elle pouvait prendre et qui semblaient conformes, ou aux sentiments qu'elle avait montrés à Marie Stuart comme parente, ou aux obligations qu'elle s'était reconnues envers elle comme reine. Mais ces trois partis lui parurent également dangereux. Elle craignit que, si Marie Stuart recouvrait son trône, elle ne s'entendît avec la cour de Rome et les cours catholiques du continent, afin d'abattre le parti protestant en Ecosse, et ne reprît ensuite ses prétentions sur l'Angleterre ; que, si elle restait libre en Angleterre, elle n'y devînt une cause permanente d'excitation, un centre d'intrigues et de complots pour les catholiques très-nombreux et très-puissants de ce royaume, qui, la regardant comme leur souveraine légitime, conspireraient avec elle et se soulèveraient probablement pour elle ; enfin que, si elle se retirait en France, elle n'y préparât, d'accord avec ses oncles et les princes ses alliés, une expédition militaire destinée à soumettre l'Ecosse, ce qui l'obligerait elle-même à soutenir dans ce pays l'autorité du régent, à y défendre les intérêts du protestantisme, et l'exposerait aux suites redoutables d'une lutte nouvelle. Croyant, d'après sa propre expérience, les positions plus fortes que les promesses, et les nécessités de la politique supérieures aux sentiments de la gratitude, elle n'admit pas que Marie Stuart pût devenir à son égard, comme elle l'offrait, une amie dévouée et une protégée reconnaissante. Elle ne consulta donc que la raison d'Etat, sa règle à peu près unique durant quarante années, et elle résolut de garder entre ses mains la reine imprudente qui s'y était mise. Elle espéra assurer ainsi sa prépondérance en Ecosse et affermir sa sécurité en Angleterre.

Il n'est pas nécessaire.

Madame, l'amitié doit sur-tout éclater

Aux choses qui le plus nous peuvent importer :

Et, comme il n'en est point de plus grande importance

Que celles de l'honneur et de la bienséance,

Je viens, par un avis qui touche votre honneur,
 Témoigner l'amitié que pour vous a mon cœur.
 Hier j'étais chez des gens de vertu singulière,
 Où sur vous du discours on tourna la matière ;
 Et là, votre conduite, avec ses grands éclats,
 Madame, eut le malheur qu'on ne la loua pas.
 Cette foule de gens dont vous souffrez visite,
 Votre galanterie, et les bruits qu'elle excite,
 Trouvèrent des censeurs plus qu'il n'aurait fallu,
 Et bien plus rigoureux que je n'eusse voulu.
 Vous pouvez bien penser quel parti je sus prendre ;
 Je fis ce que je pus pour vous pouvoir défendre ;
 Je vous excusai fort sur votre intention,
 Et voulus de votre âme être la caution.
 Mais vous savez qu'il est des choses dans la vie
 Qu'on ne peut excuser, quoiqu'on en ait envie :
 Et je me vis contrainte à demeurer d'accord,
 Que l'air dont vous viviez vous faisait un peu tort,
 Qu'il prenait dans le monde une méchante face,
 Qu'il n'est conte fâcheux que par-tout on n'en fasse
 Et que, si vous vouliez, tous vos déportemens
 Pourraient moins donner prise aux mauvais jugemens.

III.
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A moins de nier l'évidence, il est donc impossible de ne pas reconnaître les progrès remarquables qu'ont faits en bien-être les classes ouvrières de notre pays. Mais leur perfectionnement moral est loin d'avoir suivi la marche ascendante de leur fortune matérielle, et c'est de ce contraste fâcheux que viennent aujourd'hui tous leurs maux. Un sentiment profond d'orgueil s'est emparé d'elles et les domine à leur insu. Elles ont assez d'instruction pour apprécier le côté faible des institutions humaines, et elles n'en ont pas assez pour les réformer d'une manière sérieuse et durable. Le préjugé funeste, de la souveraineté absolue de la force, les aveugle au point de leur faire croire qu'on peut tout oser, tout tenter, tout refaire par la seule supériorité du nombre. La résistance des faits et des lois éternelles les irrite et les exaspère, et elles traitent volontiers en ennemis les hommes éclairés qui représentent l'opposition froide et sévère de la raison.

Quand on analyse une à une toutes les catégories de travailleurs, soit dans les villes, soit dans les campagnes, ouvriers maçons, charpentiers, serruriers, peintres, libres ou attachés aux fabriques, ouvriers des constructions civiles et navales, ouvriers-artistes comme ceux de Paris et de Lyon, imprimeurs, tailleurs, cordonniers, on s'aperçoit que la seule garantie qui manque à leur sort, si différent aujourd'hui de ce qu'il était jadis, c'est la permanence du travail et la sécurité de l'avenir. Voilà ce que jusqu'à nos jours la société n'a pu encore assurer à personne, si ce n'est aux employés de l'Etat, et encore sous la réserve du bon plaisir des révolutions. Une prévoyance extrême, et même un peu factice, a succédé tout à coup aux vieilles habitudes d'insouciance des ouvriers. On leur a persuadé qu'ils avaient le droit de demander à l'Etat, et que l'Etat avait le devoir et la possibilité de leur garantir du travail toute leur vie et du repos dans leurs vieux jours. On voulait leur faire abdiquer leur indépendance laborieuse, en échange de je ne sais quelle servitude dorée dont il faudrait toujours que les frais fussent supportés par eux-mêmes, directement ou indirectement.

Celui qui met un frein à la fureur des flots,
 Sait aussi des méchants arrêter les complots.
 Soumis avec respect à sa volonté sainte,
 Je crains Dieu, cher Abner, et n'ai point d'autre crainte.
 Cependant je rends grace au zèle officieux,
 Qui sur tous mes périls vous fait ouvrir les yeux.
 Je vois que l'injustice en secret vous irrite,
 Que vous avez encore le cœur Israélite.
 Le Ciel en soit benî. Mais ce secret courroux,
 Cette oisive vertu, vous en contentez-vous ?
 La foi qui n'agit point, est-ce une foi sincère ?
 Huit ans déjà passés, une impie étrangère
 Du sceptre de David usurpe tous les droits ;
 Se baigne impunément dans le sang de nos Rois ;
 Des enfans de son fils detestable homicide,
 Et même contre Dieu leve son bras perfide.
 Et vous, l'un des soutiens de ce tremblant Etat,
 Vous, nourri dans les champs du saint Roi Josaphat,
 Qui sous son fils Joram commandiez nos armées,
 Qui rassurâtes seul nos villes alarmées,
 Lorsque d'Okosias le trépas imprévu,
 Dispersa tout son camp à l'aspect de Jehu ;
 Je crains Dieu, dites-vous ? Sa vérité me touche,
 Voici comme ce Dieu vous répond par ma bouche ;

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Du zèle de ma loi que sert-il de vous parer ?
Par de steriles vœux pensez-vous m'honorer ?
Quel fruit me revient-il de tous vos sacrifices ?
Ai-je besoin du sang des boucs et des genisses ?
Le Sang de vos Rois crie, et n'est point écouté.
Rompez, rompez tout pacte avec l'impieté.
Du milieu de vos peuples exterminiez les crimes,
Et vous viendrez alors m'immoler vos victimes.

D.

(Prepared for the competitive Examination of 4th October.)

Translate :—

Tel était l'homme que la nature avait donné aux Girondins pour chef. Il ne daigna pas l'être, bien qu'il eût l'âme et les vues d'un homme d'Etat ; trop insouciant pour un chef de parti, trop grand pour être le second de personne.

Nous peindrons avec plus de détail cette grande figure, au moment où son talent le placera plus dans la lumière. "Est-il de circonstances," dit-il, "dans lesquelles les droits naturels de l'homme puissent permettre à une nation de prendre une mesure quelconque contre les émigrations ?" Vergniaud se prononce contre ces prétendus droits naturels, et reconnaît, au-dessus de tous les droits de l'individu, le droit de la société, qui les résume tous, et qui les domine comme le tout domine la partie. Il restreint la liberté politique au droit du citoyen de tout faire, pourvu qu'il ne nuise pas à sa patrie ; mais il l'arrête là. L'homme, sans doute, peut matériellement user de ce droit d'abdiquer la patrie où il est né, et à laquelle il se doit comme le membre se doit au corps ; mais cette abdication est une trahison. Elle rompt le pacte entre la nation et lui. La nation ne doit plus protection, ni à sa propriété, ni à sa personne. Après avoir, d'après ces principes, renversé la puerile distinction entre l'émigré fonctionnaire et les simples émigrés, il démontre qu'une société tombe en décadence si elle se refuse à elle-même le droit de retenir ceux qui la desertent dans ses perils. En lui donnant l'univers pour patrie, elle lui ôte celle qui l'a vu naître ; mais que sera-ce si l'émigré, cessant d'être un lâche fugitif, devient un ennemi, et si les rassemblements de ses pareils entourent la nation d'une ceinture de conspirateurs ? Oui ! l'attaque sera-t-elle licite aux émigrés, la défense interdite aux bons citoyens ?

Le pin a quelque chose de monumental ; ses branches ont le port de la pyramide, et son tronc celui de la colonne. Il imite aussi la forme des rochers où il vit : souvent je l'ai confondu sur les redans et les corniches avancées des montagnes, avec des flèches et des aiguilles élancées où échevelées comme lui. Au revers du col de Balme, à la descente du glacier de Trient, on rencontre un bois de pins, de sapins, et de mélèzes : chaque arbre dans cette famille de géants compte plusieurs siècles. Cette tribu alpine a un roi que les guides ont soin de montrer aux voyageurs ; c'est un sapin qui pourrait servir de mât au plus grand vaisseau. Le monarque seul est sans blessure, tandis que tout son peuple autour de lui est mutilé : un arbre a perdu sa tête, un autre ses bras ; celui-ci a le front sillonné par la foudre, celui-là le pied noirci par le feu des pâtres. Je remarquai deux jumeaux sortis du même tronc qui s'élançaient ensemble dans le ciel ; ils étaient égaux en hauteur et en âge ; mais l'un était plein de vie, et l'autre était desséché. C'est sur le mélèze que l'abeille cueille ce miel ferme et savoureux qui se marie si bien avec la crème et les framboises du Montanvert. Les bruits du pin, quand ils sont légers, ont été loués par les poètes bucoliques : quand ils sont violents, ils ressemblent au mugissement de la mer : vous croyez quelquefois entendre gronder l'océan au milieu des Alpes.

Je vois votre chagrin, et que, par modestie,
Vous ne vous mettez point, monsieur, de la partie ;
Et, pour ne vous point mettre aussi dans le propos,
Que font-ils pour l'état, vos habiles héros ?
Qu'est-ce que leurs écrits lui rendent de service,
Pour accuser la cour d'une horrible injustice,
Et se plaindre en tous lieux que sur leurs doctes noms
Elle manque à verser la faveur de ses dons ?
Leur savoir à la France est beaucoup nécessaire !
Et des livres qu'ils font, la cour a bien affaire !
Il semble à trois gredins, dans leur petit cerveau,
Que pour être imprimés et reliés en veau,
Les voilà dans l'état d'importantes personnes ;
Qu'avec leur plume ils font les destins des couronnes ;
Qu'au moindre petit bruit de leurs productions,
Ils doivent voir chez eux voler les pensions ;
Que sur eux l'univers a la vue attachée ;
Que partout de leur nom la gloire est épanchée

Et qu'en science ils sont des prodiges fameux,
 Pour savoir ce qu'ont dit les autres avant eux,
 Pour avoir eu trente ans des yeux et des oreilles,
 Pour avoir employé neuf ou dix mille veilles
 A se bien barbouiller de grec et de latin,
 Et se charger l'esprit d'un ténébreux butin
 De tous les vieux fatras qui traînent dans des livres.
 Gens qui de leur savoir paraissent toujours ivres ;
 Riches, pour tout mérite, en babil importun
 Inhabiles à tout ; vides de sens commun,
 Et pleins d'un ridicule et d'une impertinence
 A décrier partout l'esprit et la science.

E.

(Prepared for the competitive Examination of 11th October.)

Translate :—

Charles s'obstina plus que jamais à rester, s'imaginant toujours qu'il rentrerait en Pologne et dans l'empire Russe avec une armée Ottomane. Personne n'ignore quelle fût enfin, en 1714, l'issue de son audace inflexible, comment il se battit contre une armée de Janissaires, de Spahis, et de Tartares, avec ses secrétaires, ses valets de chambre, ses gens de cuisine et d'écurie ; qu'il fût captif dans le pays où il avait joui de la plus généreuse hospitalité ; qu'il retourna ensuite, déguisé en courrier, dans ses Etats, après avoir demeuré cinq années en Turquie. Il faut avouer que, s'il y a eu de la raison dans sa conduite, cette raison n'était pas faite comme celle des autres hommes.

Pour vous, aimable Flore, suspendue au-dessus de nos vertes campagnes, portée par l'arc-en-ciel au sein des nuages pluvieux, vous versez les fleurs à pleine corbeille dans nos vallons et sur nos forêts ; le zephyr amoureux vous suit, haletant après vous, et vous poussant de son haleine chaude et humide. Déjà on aperçoit sur la terre les traces de son passage dans les cieux ; à travers les rais lointains de la pluie, les landes apparaissent toutes jaunes de genêts fleuris ; les prairies brumeuses de bassinets dorés ; et les corniches des vieilles tours, de giroflées safranées. Au milieu du jour le plus nébuleux, on croirait que les rayons du soleil luisaient au loin sur les croupes de collines, au fond des vallées, au sommet des antiques monuments ; des lisières de violettes et de primevères parfument les haies, et le lilas couvre de ses grappes pourprées les murs du château lointain.

On peindrait difficilement notre anxiété et nos tourments : la plupart d'entre nous ne vivaient plus ; la moindre circonstance venue de terre, l'opinion la plus vulgaire de qui que ce fût à bord, l'article de journal le moins authentique, étaient le sujet de nos arguments les plus graves, et la cause de nos perpétuelles oscillations d'espérance et de crainte. Nous allions à la recherche des plus petits bruits ; nous provoquions, du premier venu, des versions favorables, des espérances trompeuses : tant l'expansion et la mobilité de notre caractère national nous rendent peu propres à cette résignation stoïque, à cette concentration impassible, qui ne dérivent que d'idées arrêtées et de doctrines positives puisées dès l'enfance.

Les papiers publics, les ministériels surtout, étaient déchainés contre nous ; c'était le cri des ministres préparants au coup qu'ils allaient frapper. On se figurerait difficilement les horreurs, les mensonges, les imprécations qu'ils accumulaient contre nous ; et l'on sait qu'il en reste toujours quelque chose sur la multitude, quelque bien disposée qu'elle soit. Aussi les manières autour de nous étaient devenues moins aisées, les politesses embarrassées, les figures incertaines.

Pour moi, je voudrais bien que, pour vous montrer mieux,
 Une charge à la cour vous pût frapper les yeux.
 Pour peu que d'y songer vous nous fassiez les mines,
 On peut, pour vous servir, remuer des machines,
 Et j'ai des gens en main que j'emploierai pour vous,
 Qui vous feront à tout un chemin assez doux.—
 Et que voudriez-vous, madame, que j'y fisse ?
 L'humeur dont je me sens veut que je m'en bannisse ;
 Le ciel ne m'a point fait, en me donnant le jour,
 Une âme compatible avec l'air de la cour.
 Je ne me trouve point les vertus nécessaires
 Pour y bien réussir et faire mes affaires.
 Etre franc et sincère, est mon plus grand talent,
 Je ne sais point jouer les hommes en parlant ;
 Et qui n'a pas le don de cacher ce qu'il pense
 Doit faire en ce pays fort peu de résidence.
 Hors de la cour, sans doute, on n'a pas cet appui
 Et ces titres d'honneur qu'elle donne aujourd'hui ;

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Mais on n'a pas aussi, perdant ces avantages,
Le chagrin de jouer de fort sots personnages.
On n'a point à souffrir mille rebuts cruels,
On n'a point à louer les vers de messieurs tels,
A donner de l'encens à madame une telle,
Et de nos francs marquis essuyer la cervelle.

Translate into French :—

A masked ball was given at the opera, which the king was to attend, and the conspirators resolved to take advantage of the mystery of the disguise and tumult of the fête to strike the blow, without allowing the hand to appear. A short time before the ball the king supped with a few of his most intimate courtiers. A letter was brought to him which he opened, and reading it jestingly, then threw it on the table. The anonymous writer informed him that he was neither a friend to his person nor an approver of his policy, but that as a loyal enemy he desired to inform him of the death that menaced him. He counselled him not to go to the ball; or, if he persisted, he advised him to mistrust the crowd that might press around him, for that was the signal for the blow to be aimed at him. That the king might not doubt the warning thus given, he recalled to his memory his dress, gesture, his sleep in the apartment of Haga in the evening that he had believed himself quite alone. Such convincing proofs must have struck and intimidated the mind of the prince, but his intrepid soul made him brave, not only the warning, but death; he rose and went to the ball.

F.

Translate into English :—

Un déplorable événement vient de se passer dans le canton d'Eauze. M. ———, maire de Reaus, donna l'ordre le dixième de ce mois à ses domestiques de nettoyer les cuves d'où le vin avait été extrait.

Un de ses brasseurs, le nommé Sarrot, voulut descendre dans une cuve pour ouvrir un robinet destiné à introduire de l'eau dans ce vaisseau. M. ——— fit à son domestique les recommandations les plus minutieuses, et lui enjoignit d'entrer avec précaution, de prendre une chandelle allumée, de remonter si la chandelle venait à s'éteindre.

Le malheureux ouvrier ne tint aucun compte des avertissemens de son maître. Il descendit dans la cuve sans chandelle, et après quelques minutes se sentant asphyxié, fit un effort pour remonter. On le saisit par le bras pour l'aider; mais il était trop tard, le malheureux se laissa tomber au fond de la cuve.

M. ———, désespéré, appela au secours. Deux tondeurs de chevaux, nommés Lubé, le père et le fils, se trouvaient dans le château, où ils dejeunaient. Ils accoururent. Lubé fils, n'écoutant que son courage, se précipita dans la cuve au secours du malheureux Sarrot. Avant d'arriver au pied de l'échelle, il tomba à la renverse. Lubé père s'écria : Oh ! mon Dieu ! mon fils est perdu ! et descendit la fatale échelle pour sauver son fils. Comme lui il tomba à la renverse. En quelques minutes ces trois hommes avaient cessé de vivre : le gaz acide carbonique les avait asphyxiés. Tous les soins les plus pressés de M. ——— et de sa famille pour les rappeler à la vie ont été inutiles.

Translate the following passage, and explain the historical allusions :—

Versez du sang ! frappez encore !
Plus vous retranchez ses rameaux,
Plus le tronc sacré voit éclore
Ses rejetons toujours nouveaux !
Est-ce un Dieu qui trompe le crime ?
Toujours d'une auguste victime
Le sang est fertile en vengeurs !
Toujours, échappé d'Athalie,
Quelque enfant que le fer oublie
Grandit à l'ombre du Seigneur !

Translate into English :—

Le Cardinal n'avait pu résister à ce mouvement de déplaisir, parcequ'il se sentait obligé, par la présence de son agent, à rentrer dans ses conversations profondes et pénibles dont il s'était reposé pendant quelques jours dans un pays dont l'air pur lui était favorable, et dont la calme avait un peu ralenti les douleurs de sa maladie; elle s'était changée en une fièvre lente; mais ses intervalles étaient assez longs pour qu'il pût oublier pendant son absence qu'elle devait revenir. Donnant donc un peu de repos à son imagination, jusqu'alors infatigable, il attendait sans impatience, pour la première fois de ses jours peut être, le retour des courriers qu'il avait fait partir dans toutes les directions, comme les rayons d'un soleil qui donnait seul la vie et le mouvement à la France. Il ne s'attendait pas à la visite qu'il recevait alors; et la vue d'un de ces hommes qu'il trempait dans le crime, selon sa propre expression, lui rendit toutes les inquiétudes habituelles de sa vie plus présentes, sans dissiper entièrement le nuage de mélancolie qui venait d'obscurcir ses pensées.

Translate into French :—

In a week we shall know whether we are to accompany the duchess into Sicily. Any way, I shall quit Blaye early in June. If the princess sets out accompanied only by her medical attendants the general will have a leave of one or two months, and myself likewise. We shall meet again afterwards at Paris, or at whatever place he may hold a command. I own to you that a little rest will do me no harm, and that a residence at Taste between my dearest wife and my good mother will be a paradise, which I need so much the more that for some days I have been ill. I have a fever, and a bad pain in the throat and head. That, I hope, will pass. The grand drama was engrossing me. Now it is finished, and well finished; and you will read my name at the foot of the certificate of birth of the little princess. I have signed as a witness.

G.

(Prepared for the Competitive Examination of 13th December.)

Translate into English—

Tous ces événements sont racontés par les chroniqueurs Anglais avec un ton d'abattement qu'il est difficile de reproduire. Ils nomment le jour de la bataille un jour amer, un jour de mort, un jour souillé du sang des braves. Le vainqueur fit vœu d'élever en cet endroit un couvent dédié à Saint Martin; et lorsque dans la suite, il accomplit son vœu, le grand autel du nouveau monastère fut établi au même lieu où l'étendard Saxon avait été planté et abattu. L'enceinte des murs extérieurs fut tracée autour de la colline que les plus braves des Anglais avaient couverte de leurs corps, et toute la lieue de terre circonvoisine où s'étaient passées les diverses scènes du combat devint la propriété de cette abbaye. Des moines venus du grand couvent de Marmontier y établirent leur demeure.

On dit que, dans le temps où furent posées les premières pierres de l'édifice, les architectes découvrirent que certainement l'eau y manquerait; ils vinrent apporter à Guillaume cette nouvelle désagréable: "Travaillez, travaillez toujours," répliqua celui-ci; "car, si Dieu me prête vie, il y aura plus de bon vin chez les religieux de l'Abbaye de la Bataille qu'il n'y a d'eau claire dans le meilleur couvent de la Chrétienté."

Élise.—Ah! Valère, ne bougez d'ici, je vous prie, et songez seulement à vous bien mettre dans l'esprit de mon père.

Valère.—Vous voyez comme je m'y prends, et les adroites complaisances qu'il m'a fallu mettre en usage pour m'introduire à son service; sous quel masque de sympathie et de rapports de sentiments je me déguise pour lui plaire, et quel personnage je joue tous les jours avec lui, afin d'acquiescer sa tendresse. J'y fais des progrès admirables, et j'éprouve que, pour gagner les hommes, il n'est point de meilleure voie que de se parer à leurs yeux de leurs inclinations, que de donner dans leurs maximes, encenser leurs défauts, et applaudir à ce qu'ils font. On n'a que faire d'avoir peur de trop charger la complaisance, et la manière dont on les joue a beau être visible, les plus fins toujours sont de grandes dupes du côté de la flatterie; et il n'y a rien de si impertinent et de si ridicule qu'on ne le fasse avaler, lorsqu'on l'assaisonne en louanges. La sincérité souffre un peu au métier que je fais, mais quand on a besoin des hommes, il faut bien s'ajuster à eux; et, puisqu'on ne saurait les gagner que par là, ce n'est pas la faute de ceux qui flattent, mais de ceux qui veulent être flattés.

Élise.—Mais que ne tâchez-vous aussi à gagner l'appui de mon frère, en cas que la servante s'avisât de révéler notre secret?

Valère.—On ne peut pas ménager l'un et l'autre; et l'esprit du père et celui du fils sont des choses si opposées, qu'il est difficile d'accommoder ces deux confidences ensemble.

Le visiteur examinera, avant de poursuivre l'examen de l'exposition Suisse, le pavillon de l'escalier, près duquel il se trouve. Les croisées sont ornées de vitraux peints; sur le palier de l'escalier à droite on remarque une superbe glace étamée, de 9 pieds 7 pouces Anglais de hauteur, et encadrée dans un cadre en bois doré magnifique. Au milieu du vestibule est placé un pendule à mouvement continu, pour la démonstration permanente du mouvement de rotation de la terre. Par devant on voit un magnifique lion empaillé, exposé par la maison de fourrures à la Reine d'Angleterre à Paris.

En rentrant dans la galerie et remontant la salle dont nous venons de parler, on voit à droite des étoffes en coton imprimées de Zurich et des fourrures de Lausanne. Au côté de la salle adossée à l'exposition d'Espagne, s'élève un joli petit chalet découpé et percé à jour; il est placé entre des collections de fusils et de pistolets.

Au milieu de la salle, et tout près du chalet, se trouvent des pianos bien construits et à bon marché. Le carré voisin est occupé par des vitrines contenant des verres pour montres, des vers à soie dans toutes leurs transformations, de la coutellerie, des blondes. Enfin le même carré abrite encore des boîtes à musique. Le carré suivant appartient aux tissus pour farine, aux rubans, et aux boîtes à musique parmi lesquelles il en est qui jouent les ouvertures de *l'Etoile du Nord* de Meyerbeer.

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—
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Translate into French :—

A young but already influential woman lent to this party the prestige of her youth, her genius, and her enthusiasm,—it was Madame de Stüel. Her cradle was that of the Revolution; her father's popularity had played about her lips, and left there an inextinguishable thirst for fame. She sought it in the storms of the populace, in calumny, and death. A man in her energy, a woman in her tenderness, it was necessary, in order that her ambition should be satisfied, for her to associate in the same character genius, glory, and love.

Nature, education, and fortune rendered possible this triple dream of a woman, a philosopher, and a hero. Born in a republic, educated in a court, daughter of a minister, wife of an ambassador, belonging by birth to the people, to the literary world by talent, to the aristocracy by rank, the three elements of the Revolution mingled or contended in her. Her genius was like the antique chorus, in which all the great voices of the drama united in one tumultuous concord. A deep thinker by inspiration, a tribune by eloquence, a woman in attraction, her beauty, which was invisible to the million, required intelligence to be understood, and admiration to be felt. Hers was not the beauty of form and features, but visible inspiration, and the manifestation of passionate impulse. Attitude, gesture, tone of voice, look—all obeyed her mind, and created her brilliancy. Her black eyes, flashing with fire, gave out from beneath their long lids as much tenderness as pride. Her gaze, open yet profound as her understanding, had as much serenity as penetration. We felt that the light of her genius was only the reverberation of a mine of tenderness of heart.

H.

Translate into French :—

The King went in the evening to the Théâtre Italien with the Queen, Madame Elizabeth, and his children. The hopes to which the events of the day had given rise, his words of that morning, the expression of confidence and affection on his features, the beauty of the two princesses, and the grace of his children, produced on the spectators one of those impressions where pity vies with respect, and enthusiasm softens the heart. The theatre rang with applause, whilst sobs were often heard; every eye was fixed on the royal box, and seemed to wish to make mute reparation for so many insults offered to the King and his family. The populace can never resist the sight of children, there are so many mothers in every crowd; the dauphin, a lovely child, seated on the lap of his mother, and absorbed in the play, repeated the gestures of the actors to his mother, as though to explain the piece to her. This careless tranquillity of innocence between two storms, this childish sport at the foot of a throne, so soon to become a scaffold, this expansion of the heart of the Queen, that had been so long closed to joy and security, filled every eye with tears.

3.—GERMAN.*

Translate :—

B.

Ein Knabe spielte mit einer zahmen Schlange. Mein liebes Thierchen, sagte der Knabe, ich würde mich mit dir so gemein nicht machen, wenn dir das Gift nicht genommen wäre. Ihr Schlangen sind die böhaftesten, undankbarsten Geschöpfe! Ich habe es wohl gelesen, wie es einem armen Landmann ging, der eine, vielleicht von deinen Urältern, die er halb erfroren unter einer Hecke fand, mitleidig aufhob, und sie in seinen erwärmenden Busen steckte. Kaum fühlte sich die Böse wieder, als sie ihren Wohlthäter biss; und der gute, freundliche Mann musste sterben.

Ich erstaune, sagte die Schlange. Wie partiell eure Geschichtschreiber sein müssen! Die unsrigen erzählen diese Historie ganz anders. Dein freundlicher Mann glaubte, die Schlange sei wirklich erfroren, und weil es eine von den bunten Schlangen war, so steckte er sie zu sich, ihr zu Hause die schöne Haut abzustreifen. War das recht?

Ach, schweig nur; erwiderte der Knabe. Welcher Undankbare hätte sich nicht zu entschuldigen gewusst!

Recht, mein Sohn; fiel der Vater, der dieser Unterredung zugehört hatte, dem Knaben ins Wort. Aber gleichwohl, wenn du einmal von einem ausserordentlichen Undanke hören solltest, so untersuche ja alle Umstände genau, bevor du einen Menschen mit so einem abscheulichen Schandfleck brandmarken lässt. Wahre Wohlthäter haben selten Undankbare verpflichtet; ja, ich will zur Ehre der Menschheit hoffen,—niemals. Aber die Wohlthäter mit kleinen, eigennützigen Absichten, die sind es werth, mein Sohn, dass sie Undank anstatt Erkenntlichkeit einwuchern.

Das schwache Band der Eintracht, wodurch Gustav Adolph die protestantischen Glieder des Reichs mühsam zusammenhielt, zerriss mit seinem Tode; die Verbundenen traten in

* The offices in which *German* is either a prescribed subject, or one of two or more subjects, one of which must be selected, are (omitting those offices from which no candidate has yet been sent) ADMIRALTY (Somerset House); POST OFFICE (Secretary's Office); and the WAR DEPARTMENT (Pall Mall branch). In a special case, a candidate for the ARMY AND ORDNANCE MEDICAL DEPARTMENT was examined in German. The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where German has been named as a voluntary or extra subject by candidates from other departments.

ihre vorige Freiheit zurück, oder sie mussten sich in einem neuen Bunde verknüpfen. Durch das Erste verloren sie alle Vortheile, welche sie mit so vielem Blut errungen hatten, und setzten sich der unvermeidlichen Gefahr aus, der Raub eines Feindes zu werden, dem sie durch ihre Vereinigung allein gewachsen und überlegen gewesen waren. Einzeln konnte es weder Schweden, noch irgend ein Reichsstand mit der Ligue und dem Kaiser aufnehmen, und bei einer Friede, die man unter solchen Umständen suchte, würde man gezwungen gewesen sein, von dem Feinde Gesetze zu empfangen. Vereinigung war also die gleich nothwendige Bedingung, sowohl um eine Friede zu schliessen, als um den Krieg fortzusetzen. Aber eine Friede, in der gegenwärtigen Lage gesucht, konnte nicht wohl anders, als zum Nachtheil der verbundenen Mächte geschlossen werden. Mit dem Tode Gustav Adolfs schöpfte der Feind neue Hoffnung, und wie nachtheilig auch seine Lage nach dem Treffen bei Lützen sein mochte, so war dieser Tod seines gefährlichsten Gegners eine zu nachtheilige Begebenheit für die Verbundenen und eine zu glückliche für den Kaiser, um ihn nicht zu den glänzendsten Erwartungen zu berechtigen und zur Fortsetzung des Kriegs einzuladen. Die Trennung unter den Allirten musste, für den Augenblick wenigstens, die unvermeidliche Folge desselben sein; und wie viel gewann der Kaiser, gewann die Ligue bei einer solchen Trennung der Feinde! So grosse Vortheile, als ihm die jetzige Wendung der Dinge versprach, konnte er also nicht wohl für eine Friede aufopfern, bei der *Er* nicht das Meiste gewann; und eine solche Friede konnten die Verbundenen nicht zu schliessen wünschen. Der natürlichste Schluss fiel also auf die Fortsetzung des Krieges, so wie Vereinigung für das unentbehrlichste Mittel dazu erkannt wurde.

III.
Miscellaneous
Papers, used at
various
Examinations.

GERMAN.

Ew'ger Richter,
Der das Vergang'ne, wie das Jetzige
Und Künft'ge sieht! Du schauest in mein Herz,
Du bist allein der Billige, wenn hier
Mich eine Menge drängt, die, unbarmherzig
In blindem Eifer, leidenschaftlich richtet,
Nach blindem Zufall die Verdammung lenkt.
Euch Ritter, Bürger, die, mit raschem Spruch,
Auf diese Todespfade mich gestossen,
Euch denk' ich mit Entschuld'gung nicht zu schmeicheln;
Der richtet zwischen mir und euch, der oben
Die einzig unbestochne Wage hält.
Ich seh' in euch verhasstes Werkzeug nur
Unbilliger Gesetze; euch und ihnen
Hab' ich Gehorsam aufgekündigt, euch und sie
Verrathen, meinen Vater selbst, der mich
In ein verhasstes Bündniss zwang, gekränkt,
Hab' Orbassan beleidigt, der sich, kühn
Und streng, zum Herren meines Herzens aufwarf.
Wenn ich, o Bürger, so den Tod verdient,
So treff' er mich: doch höret erst mich an:
Erfahret ganz mein Unglück! Wer vor Gott
Zu treten hat, spricht ohne Furcht vor Menschen.

4.—HISTORY*.

HISTORY.

A.

1. When, and how, was Christianity first introduced and finally planted in England?
2. Mention the principal events in the life of Edward I.
3. Under whom were the crowns of England and Scotland united?
4. When did the English power in France come to an end?
5. When, and how, did Great Britain become possessed of India and Canada?
6. Name four celebrated English admirals, with the sovereigns under whom they lived.
7. What is the Habeas Corpus Act?
8. Give a short account of the life of one of the following great men: The Black Prince, Marlborough, Lord Chatham.
9. Name the great civil wars which have taken place in England, and the causes of any one of them.
10. Name the principal battles in the Peninsula, with the years in which they were fought.

* The offices in which *History* is either a prescribed subject, or one of two or more subjects, one of which must be selected, are (omitting those offices, from which no candidate has yet been sent) ADMIRALTY (Somerset House); CIVIL SERVICE COMMISSION; GENERAL REGISTER OFFICE; INLAND REVENUE (Clerks); METROPOLITAN POLICE COURTS; NATIONAL DEBT OFFICE; WAR DEPARTMENT (Secretary of State's office, Pall Mall office, and Out-stations); CHIEF SECRETARY'S OFFICE (Ireland). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where *History* has been named as a voluntary or extra subject by candidates from other departments.

III.

Miscellaneous
Papers, used at
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Examinations.

HISTORY.

B.

1. Mention some of the original sources from which information as to English History may be derived.
2. Give the dates of the following events: the Conquest; the destruction of the Spanish Armada; the Revolution; the accession of King George III.; the Union with Ireland; and the separation of the Crowns of Great Britain and Hanover.
3. Trace the descent of the reigning sovereign from King George I.
4. Name the English sovereigns of the house of Stuart, giving the dates of their respective accessions. State any particulars which you recollect as to the last effort made by a descendant of that family to recover the throne.
5. What was the cause of the American War? How did it terminate?
6. Give a short account of the life of one of the following great men:—Cardinal Wolsey, Sir Walter Raleigh, Oliver Cromwell.
7. Mention some of the methods anciently resorted to by English Sovereigns for the purpose of raising a revenue. What was the great subject of contest in the time of Charles I.?
8. State roughly the amount of the Public Revenue in recent years, and the interest of the National Debt. To what period is the origin of the debt assigned, and on what occasions has it been increased during the last 40 years?
9. Mention the principal articles now subject to duties of Customs and Excise, and the most important changes which have recently been made.
10. Into what classes may the Constituencies represented in the House of Commons be divided? What class of Bills invariably originates in that House? What are the ordinary qualifications of voters?
11. What is meant by the phrase "International Law?" Mention some of the Acts which it prohibits. Whence arises the difficulty of enforcing it?
12. Mention some of the arguments by which the execution of Mary Queen of Scots is condemned or vindicated.

C.

1. Give a short account of the Crusades. How was the condition of the English people affected by them?
2. What was the Magna Charta, and when was it signed?
3. Mention the principal events in the reign of Edward III., and the date of his accession.
4. What title had James I. to the English throne?
5. How were the relations of England and Scotland affected by the Union of the Kingdoms in the reign of Queen Anne?
6. State the circumstances attending—
 1. The Defence of Gibraltar.
 2. The Bombardment of Algiers.
7. What events led to the independence of the American States?
8. Give a short account of the life of one of the following persons: Cranmer, Lord Strafford, Oliver Cromwell.
9. State briefly, with dates, the occasions on which the following battles were fought: Flodden, Ramilies, Poitiers, Navarino, Marston Moor, Austerlitz, Dettingen.
10. What eminent poets and writers flourished in the reign of Queen Anne? Write a short life of any one of them.

D.

1. What was the Heptarchy? From what is its name derived?
2. Give with dates, a list of the English sovereigns from Richard II. to Charles I.
3. Mention which of the kings of England have been deposed, or have met with a violent death.
4. When and under what circumstances was Magna Charta obtained? What were the liberties of the subject secured by it?
5. Mention the principal events which took place in the reign of Richard II.
6. Give a short account of the life of *one* of the following persons:—Richard Earl of Warwick, Harley Earl of Oxford, Sir Robert Walpole.
7. What was the state of England at home and abroad during the protectorate of Cromwell?
8. How has the national prosperity of England been affected by the American war of independence?
9. State very briefly, with dates, the occasions on which the following battles were fought:—
 - Flodden, Malplaquet, Salamanca, Dettingen, Culloden, Agincourt, Navarino.
10. What were the chief provisions and alterations introduced by the Reform Bill? What is the right of the House of Commons in regard to taxes; and on what constitutional principle is it founded?

E.

1. Give a very short account of the origin and progress of the Crusades. What English sovereigns or eminent persons were engaged in them?
2. Give, with dates, a list of the English sovereigns from Richard III. to Queen Anne.
3. Who was the first queen regnant of England? Mention her parentage, contemporary sovereigns, and the most conspicuous events of her reign.
4. Give some account of the Petition of Right, the Habeas Corpus Act, and the Act of Settlement.
5. Name the sovereigns contemporary with Queen Victoria, and trace her descent and that of the Crown from George I.
6. Give some account of the leading statesmen in *one* of the following reigns:—
(a) Edward VI. (b) Anne. (c) George II.
7. What circumstances led to the rupture between Charles I. and his Parliament?
8. Account for the possession of the Canadas by the Crown of England.
9. State very briefly, with dates, the occasions on which the following battles took place:—
Flodden, Oudenarde, Naseby, Hastings, Poitiers, Vittoria, Dettingen.
10. In what respects were the liberties established by Magna Charta violated by the Tudors and Stuarts? What circumstances favoured the encroachments of power under the Tudors?

F.

1. Enumerate the principal events in the reign of Henry II.
2. Name the sovereigns who ascended the English throne in the fifteenth century, giving the dates of their accession, and their relationship to each other.
3. How did the titles of "Prince of Wales" and of "Defender of the Faith" originate?
4. What European sovereigns or potentates were contemporary with Henry VIII.? Describe any transactions which took place between Henry and any of them.
5. What were the Bill of Rights, the Instrument of Government, and the Act of Settlement?
6. What was the nature of the dispute in the Wars of the Roses; and which was the last battle in that struggle?
7. Give some account of the leading statesmen in *one* of the following reigns:—
(a) James I. (b) Charles II. (c) George I.
8. Give some account of the origin and gradual rise of the British Empire in India.
9. What was the Cabal in the reign of Charles II., and why was it so called?
10. State very briefly, with dates, the occasions on which the following battles were fought:—
Barnet, The Boyne, Falkirk, Corunna, Tewkesbury, Toulouse, Copenhagen.
11. Give the dates and principal articles of agreement of the following treaties:—
Dover, Utrecht, Versailles, Paris.

G.

1. Give a list, with dates, of the English kings—
(a) from Henry I. to Edward I.
(b) from James I. to William III.
2. Name the kings of England who were not succeeded on the throne by a son, daughter, brother, or sister.
3. Show that King John was not rightfully entitled, at the time of his accession, to the throne of England. In what manner did he become so?
4. What were the Petition of Right, the Test Act, the Habeas Corpus Act, the Act of Uniformity, and the Act of Navigation?
5. What were the claims—
(1) Of Edward III. to the throne of France?
(2) of James I. and of George I. to the crown of England?
6. Give some account of the leading statesmen in *one* of the following reigns:—
(a) Henry VII. (b) James II. (c) George II.
7. When did England gain possession of the following places, and from whom respectively were they taken:—
Canada, the Cape of Good Hope, Corfu, Ceylon, and New York?
8. What was the Triple Alliance in the reign of Charles II.? How did the king act in carrying out its provisions?
9. State very briefly, with dates, the occasions on which the following battles were fought?
Naseby, Bosworth, Ramilies, Salamanca, Aboukir, Quatre-Bras.
10. Give the dates and principal articles of agreement of the following treaties:—
Dover, Utrecht, Westphalia, Versailles.

III.
Miscellaneous
Papers, used at
various
Examinations.

HISTORY.

III.
Miscellaneous
Papers, used at
various
Examinations.
—
HISTORY.

H.

(Prepared for a competitive Examination.)

1. When, and by whom, was Christianity introduced into Britain?
2. What is the "Salic Law"? Give any instance of its operation.
3. Trace the descent of the Crown, and that of the reigning sovereign, from King George I.
4. "During the 160 years which preceded the union of the Roses, nine kings reigned in England, six of these nine kings were deposed, five lost their lives as well as their crowns;" name the sovereigns referred to.
5. When did the union of the *kingdoms* of England and Scotland take place? How is the Scotch peerage now represented in the House of Lords?
6. A recent historian speaking of an English sovereign says, "In certain respects his reign is an era in our history. It began in revolution and a change in the line of descent. It nearly coincides with the commencement of what is termed modern history, as distinguished from the middle ages, and with the memorable events that have led us to make that distinction, especially the consolidation of the great European monarchies." Mention the name of the sovereign referred to, and explain the allusion.
7. What is the meaning of the constitutional maxim, "The King can do no wrong"?
8. Beginning with the Restoration, mention in chronological order the subjects connected with foreign, colonial, or domestic politics which have successively engrossed the largest share of public attention in England.
9. When did Shakespeare live? Mention the names of his historical plays, and the characters introduced in some one of them.
10. State roughly the amount of the National Revenue in recent years, and the sources from which it has been principally derived.
11. Mention the names of Grecian and Roman orators, and the subject of any of their speeches.
12. Give the dates and final issue of the Punic wars, and the names of generals who commanded.
13. Under what Roman emperor was Jerusalem destroyed? What contemporary historian has left a narrative of the war?
14. Name the two European states which have most recently come into existence.
15. What causes principally led to the first French revolution?
16. Give a short account of the origin and termination of the thirty years war.

I.

All the questions should be answered with dates if possible.

1. Under what circumstances did the Romans first invade Britain? Name the great leaders under whom the conquest was extended and completed. Who was Emperor of Rome when the Romans abandoned the island?
2. Who were the Saxons? In what part of England did they first settle? Who was the first Saxon King of England?
3. What were the chief events in the reign of Stephen? How was he related to William the Conqueror? Who were the father and mother of Henry II.?
4. In the year 1224 there was a war with France; what led to it, and what were the results?
5. Who was "Henry of Windsor"? Whom did he marry, and where did he die?
6. Name the principal statesmen and writers of the age of Queen Elizabeth; and give as complete an account as you can of any *one* of them.
7. What was the Triple Alliance in the reign of Charles II.? How did the king act in carrying out its provisions?
8. What circumstances led William III. to contemplate the resignation of his crown?
9. In 1755 a war broke out with France; what is this war called in history? Describe its origin, and its first operations and results.
10. State very briefly the occasions on which the following battles were fought: Tewkesbury, Bunker's Hill, Corunna, Oudenarde, Plassy, St. Vincent.

5.—GEOGRAPHY.*

GEOGRAPHY.

A.

1. Give the boundaries of England, Wales, Scotland, and Ireland respectively.
2. Give the names and positions of the various islands belonging to the British group.
3. Name the counties and principal towns on the North-western line from London to Edinburgh.

* The offices in which *Geography* is a prescribed subject are (omitting those from which no candidate has yet been sent) ADMIRALTY (Somerset House); CIVIL SERVICE COMMISSION; GENERAL REGISTER OFFICE; INDIA BOARD; INLAND REVENUE (Clerks); METROPOLITAN POLICE COURTS; NATIONAL DEBT OFFICE; WAR DEPARTMENT (Secretary of State's Office, Pall Mall office, and Out-stations); CHIEF SECRETARY'S OFFICE (Ireland). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where Geography has been named as a voluntary or extra subject by candidates from other departments.

4. Name the dockyards and chief mercantile seaports of Great Britain, with the counties in which they are situated.
5. What are the principal exports of Great Britain, and the localities where they are produced?
6. Describe the positions of the following British possessions: Gibraltar, Corfu, Heligoland, Sierra Leone, Mauritius, Falkland Islands, Jamaica, Newfoundland, and Guiana.
7. Trace the course of the Danube from its source to its mouth.
8. What are the principal seaports of France?
9. Name six rivers of Russia, with the seas into which they fall.
10. Name the capitals of the following countries: Prussia, Sweden, Persia, China, and Canada.

III.
Miscellaneous
Papers, used at
various
Examinations.
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GEOGRAPHY.
—————

B.

1. What is the circumference of the globe in miles? Explain and derive the word "hemisphere." How are latitude and longitude measured?
2. Name the six northern counties of England and their capitals. In which of the English counties are hops grown? What are the two commodities which principally constitute the natural wealth of the country?
3. What are the small islands belonging to England?
4. Name the principal rivers of England, and the seas into which they respectively fall.
5. What are the principal cities and towns of Scotland, and in what counties are they situated? In what district is the population most concentrated?
6. Name the four Irish provinces, and the principal Irish ports.
7. What languages are spoken in different parts of the United Kingdom?
8. What articles have constituted the principal imports from Russia in recent years? What other countries are able to supply the same commodities?
9. From what countries do we obtain tea, coffee, sugar, wine, cotton, wool, and palm oil?
10. Mention the principal German States, their capitals, and the titles of their sovereigns.
11. What is the date ordinarily assigned to the discovery of America? What are the British Colonies in the northern, and the independent States in the southern, portion of the continent?
12. Give the names, capitals, and position of the Australian Colonies.
13. Mention the colonial possessions of other European States.
14. Explain briefly the advantages or inconveniences which may result from the maintenance of sovereignty over distant dependencies.

C.

1. Explain fully how latitude and longitude are measured. Between what limits of latitude is Great Britain included?
2. Describe the position of the principal British colonies and dependencies.
3. State the different articles of commerce we import from each of them respectively.
4. In what countries are the following places situated; Trafalgar, Elsinore, Estamboul, Beirout, Acapulco, Aboukir, Buenos Ayres, Belgrade, Abergavenny, Lima, Cayenne, Aden?
5. Describe the course of six rivers of France, mentioning the chief cities on each.
6. Name the principal seaports on the Mediterranean, and the countries to which they severally belong.
7. What was the population of Great Britain—
 1. At the beginning of the present century?
 2. At the time of taking the last census?
 Give the population of any other country of Europe.
8. Mention the principal mountain ranges of Europe and Asia; and the height of some of the loftiest mountains.
9. Describe accurately the situation of the following islands: Malta, Corfu, Bermuda, Minorca, Lewis, Negropont, Borneo, Guernsey, Mauritius, Owhyhee, Juan Fernandez.
10. What are the most important natural productions of the following countries: England, India, Spain, France, China, Canada, and the United States of North America?
11. By what counties are Derbyshire and Wiltshire respectively bounded?
12. Through what counties would a person pass who travelled in a straight line from London to Exeter?
13. Name the Scotch counties, and their capitals.
14. Draw a map of Ireland, marking the positions of Dublin, Cork, Belfast, Limerick, and Waterford.

III.

Miscellaneous
Papers used, at
various
Examinations.

GEOGRAPHY.

D.

1. Explain fully how latitude and longitude are measured. Between what limits of latitude is Great Britain included?
2. Describe the position of the principal British colonies and dependencies. Into how many presidencies is India divided? What are their capitals?
3. State the different articles of commerce we import from each of them respectively.
4. In what countries are the following places situated: Trafalgar, Elsinore, Estamboul, Beirout, Acapulco, Aboukir, Buenos Ayres, Belgrade, Abergavenny, Lima, Cayenne, Aden?
5. Name some of the principal rivers of India, and give a general account of the nature of the country through which they flow.
6. Name the principal seaports on the Mediterranean, and the countries to which they severally belong.
7. To what districts of India are the terms Deccan, and Carnatic, applied?
8. Mention the principal mountain ranges of Europe and Asia, and the height of some of the loftiest mountains.
9. Describe accurately the situation of the following islands: Malta, Corfu, Bermuda, Minorca, Lewis, Negropont, Borneo, Guernsey, Mauritius, Owhyhee, Juan Fernandez.
10. What are the most important natural productions of the following countries: England, India, Spain, France, China, Canada, and the United States of North America?
11. By what counties are Derbyshire and Wiltshire respectively bounded?
12. Through what counties would a person pass who travelled in a straight line from London to Exeter?
13. In what provinces are Dacca and Arcot respectively situated? Name the districts in which cotton and opium are staple productions.
14. Draw a map of Ireland, marking the positions of Dublin, Cork, Belfast, Limerick, and Waterford.

E.

1. How are latitude and longitude measured? Mention any countries which have nearly the same latitude as London.
2. Into how many counties is England divided? Which are the counties bordering upon Wales?
3. Name the Irish provinces, mentioning their relative situation, and the principal towns in any two of them.
4. Describe the course of a ship from Newcastle-on-Tyne to the Black Sea.
5. Draw a map (1) of any one English county, (2) of any French department, placing in them the rivers and the names of the six principal towns.
6. Where are the following cities situated, and for what are they severally remarkable:—Alexandria, Delhi, Philadelphia, Shanghai, Kars, Mooltan, Mosul, Worms, Nantes, Nancy, Trebizond?
7. Trace the course of four of the following rivers, stating the countries through which they flow, and the principal towns on their banks:—Rhine, Rhone, Indus, Oder, Ingour, Bug.
8. What is the country generally known by the name of the Peninsula? Mention the names of any towns or rivers in that country to which historical interest is attached, and describe their situation.
9. Describe the situation, height, length, and general appearance of the following mountain chains:—The Cevennes, the Pyrenees, the Sierra Nevada, the Alps, and the Apennines.
10. What are the principal imports which Great Britain receives from America?

F.

1. Explain the terms latitude and longitude. Estimate roughly the latitude and longitude of Madrid, Naples, Pekin, New York, and St. Petersburg.
2. Name (a) the Welsh counties bordering on the Bristol Channel.
(b) the two westernmost counties of Connaught.
(c) the two northernmost counties of the Scotch mainland.
(d) the counties crossed by a straight line from Lincoln to Shrewsbury.
3. What counties are drained by the Thames, Severn, Trent, and Ouse respectively Name the chief ports of their respective estuaries.
4. Describe the position of the following headlands:—North Cape, Cape Clear, Cape Horn, the Naze, Cape St. Vincent, the Lizard, Cape Guardafui, Cape Cod, Cape St. Roque.
5. On a rough outline of the Mediterranean mark the positions of Alexandria, Acre, Barcelona, Tunis, Smyrna, Leghorn, Athens, Genoa.

6. On a rough outline map of India mark Calcutta, Bombay, Madras, Agra, Benares, Simla, Lahore, the Ganges, the Indus, the Himalayas. Which is the most fertile district of India? Whence do calico and muslin derive their names?
7. From what countries do we obtain cotton, deals, tobacco, tea, mahogany, gamboge, guano, currants, sherry?
8. Through what countries do the following rivers flow, and into what seas do they fall:—The Rhine, the Mississippi, the Vistula, the Hudson, the Volga, the St. Lawrence?
9. Give a list of the Atlantic States of the American Union, distinguishing the New England States.
10. State the boundaries of Europe. Name its independent states, with the capital city of each.

G.

1. How are the relative positions of places on the earth's surface determined? State roughly the latitude and longitude of Dublin, Paris, Rome, and of the capital of the colony of New Zealand.
2. Name (a) the counties which a collier would pass in sailing from the mouth of the Tyne to Gravesend.
(b) the counties on the coast between Belfast and Dublin.
(c) the counties of the highland border of Scotland.
3. What counties are drained by the Tyne, Avon, Tees, and Trent respectively? Name the chief ports of their respective estuaries.
4. Enumerate the principal cities or towns on the Thames, the Elbe, the Oder, the Rhine, the Danube, and the Vistula.
5. Into what provinces was France anciently divided? Specify those which have been at any time united with the Crown of England, and mention any of the departments which most nearly correspond to them.
6. Enumerate the dependencies of the British Crown or of the East India Company settled or acquired within the last 30 years.
7. Describe as accurately as you can the positions of Heligoland, Madagascar, Singapore, St. Thomas' Island, Juan Fernandez, the Moluccas, and Vancouver's Island. On what nations are they respectively dependent? Name the productions of those among them which are commercially important.
8. From what countries do we import corn, coffee, furs, deals, sago, indigo, palm-oil, mahogany?
9. What states constituted the American Union at the time of the Declaration of Independence? How many have since been added?
Name the chief cities of Pennsylvania, Massachusetts, Virginia, Ohio, and Maine.
10. Enumerate the crowns and principalities—
(a) of Germany. (b) of Italy.

H.

1. What is the circumference of the globe in miles? Explain and derive the word hemisphere. How are latitude and longitude measured?
2. Mention the states into which Italy is divided, their capitals, and the titles of their sovereigns.
3. Give the names, capitals, and positions of the Australian dependencies of Great Britain.
4. What is the "Zollverein"?
5. Draw a map of Scotland, marking the principal towns.
6. Name the dockyards and chief mercantile seaports of Great Britain, and the counties in which they are situated.
7. Through what counties does the railway from Birmingham to Exeter pass?
8. What are the principal imports of Great Britain, and from what countries are they obtained?
9. Into how many departments is France divided? Mention any names which you recollect. What was the ancient division?

6.—MATERIALS FOR PRÉCIS, SUBJECTS FOR ENGLISH COMPOSITION, AND CORRESPONDENCE.

PRÉCIS.*

A.

Read the following Letter:—

" Office of Committee of Privy Council for Trade,
" Whitehall, 27th June, 1854.

" MY LORD,

" WITH reference to the correspondence that has passed between the Poor Law Board and the Lords of the Committee of Privy Council for Trade on the subject of the

* The Offices in which a PRÉCIS or Abstract of Papers is a prescribed subject are (omitting those from which no candidate has yet been sent) ADMIRALTY (Somerset House); CIVIL SERVICE COMMISSION; AUDIT OFFICE; COMMITTEE OF COUNCIL ON EDUCATION; GENERAL REGISTER OFFICE; INDIA BOARD; POST OFFICE (Secretary's office); WAR DEPARTMENT (Pall Mall office); CHIEF SECRETARY'S OFFICE (Ireland); DIRECTORS OF PRISONS OFFICE (Ireland). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where a Précis has been named as a voluntary or extra subject by candidates from other departments.

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collection of agricultural statistics, I am directed by their Lordships to acquaint you, for the information of the Poor Law Board, that the Lords of the Treasury have been pleased, upon the application of my Lords, and in consideration of the success which last year attended the experiments for the collection of the agricultural statistics of Norfolk and Hampshire, conducted with so much zeal and ability by Sir John Walsham and Mr. Hawley, to authorize the insertion in the estimates of the present year of a sum of 4,000*l.* for the purpose of instituting similar experiments, on a considerably extended scale, in England and Wales. This estimate will probably be submitted for the sanction of Parliament within a few days.

"My Lords feel assured, from the experiments already made, that there is no Department of the State so well calculated to bring this further important experiment to a successful issue as the Poor Law Board, and I am therefore to request that your Lordship will express to the Board their Lordships' hope that it will be willing to undertake the task of conducting it. In this case, my Lords presume that on the present occasion the agency of the Boards of Guardians and their officers would be again employed, under the superintendence of the Poor Law Inspectors.

"Should the Poor Law Board be disposed to concur with my Lords in this view, their Lordships direct me to request that, considering the importance of losing no time in setting the necessary machinery in motion, they may be favoured with an early intimation of the number and names of the counties which the Board may decide upon selecting for the purpose of the present experiment, having regard to the amount which it is proposed to devote to it, and to the experience derived from the cost of the previous experiment. Their Lordships will also be glad to receive and consider any alterations in the schedules which it may be proposed to make, and in all other respects to give every assistance in their power towards furthering this important object.

"I have the honour to be, my Lord,

"Your Lordship's obedient servant,

"JAMES BOOTH."

"The Viscount Courtenay,
Secretary to the Poor Law Board."

And write an answer to Mr. Booth,—

Acknowledging the receipt of the above.

The Board accede, but wish the inquiry to be considered as experimental.

Suggest Norfolk and Suffolk under Sir J. Walsham, Hants and Wilts under Mr. Hawley, and Leicester under Mr. Wale.

Have requested Sir J. Walsham to revise forms and instructions, which he has done; copy of them enclosed.

[*Civil Service Examination, 30th June 1855.*]

B.

Write a short abstract of the substance of the following Correspondence and Papers:—

Glossop Union,
26 February 1853.
MY LORDS and GENTLEMEN,
IN consequence of there being no schoolmaster at the union workhouse, the board of guardians contemplate sending what few children there are in the workhouse to the Swinton school connected with the Manchester union; application has been made for that purpose, and it appears they can be received into that establishment, clothed, maintained, instructed, and provided with medical attendance at a charge of 3*s.* 3*d.* per week, provided the consent of the Poor Law Board be obtained thereto. I have therefore been requested to obtain the consent of your honourable board to the proposition of the guardians to send the children to the said school.

I am, &c.

(Signed) GEORGE BOWDEN, Clerk to the Guardians.

The Poor Law Board, &c.

Poor Law Board, Whitehall,
12 March 1853.
SIR,
I AM directed by the Poor Law Board to acknowledge the receipt of your letter of the 26th ultimo, in which you apply for their consent to the guardians of the Glossop union sending the children from the workhouse to the Swinton school.

The board consent to the proposal of the guardians being carried into effect; but, before they finally sanction the arrangement, they request that the draft of the contract which the Glossop guardians may propose to enter into with the Manchester guardians, for the education and maintenance of the children in the school, may be submitted for their inspection.

I am, &c.

G. Bowden, Esq.
Clerk to the Guardians.

(Signed) COURTENAY, Secretary.

MY LORDS and GENTLEMEN,

IN compliance with the request contained in your letter of the 12th instant, I beg to forward for your inspection the draft of the contract which the guardians of this union propose to enter into with the Manchester guardians for the education and maintenance of the children from the workhouse here in the Swinton School.

I am, &c.

(Signed) GEORGE BOWDEN, Clerk to the Guardians.

The Poor Law Board, &c.

Glossop Union,
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SIR,

Poor Law Board, Whitehall,
12 May 1853.

I AM directed by the Poor Law Board to return to you the draft of the contract proposed to be entered into by the guardians of the Glossop union with the guardians of the township of Manchester for the admission of pauper children belonging to the Glossop union into the Swinton schools.

The Poor Law Board approve of the terms upon which the children are to be received into the schools in question, and they accordingly recommend that the proposed contract be executed by the contracting parties.

I am, &c.

G. Bowden, Esq.
Clerk to the Guardians.

(Signed) COURTENAY, Secretary.

SIR,

Poor Law Board, Whitehall,
22 September 1854.

I AM directed by the Poor Law Board to state that they learn from a report made to them by their inspector, Mr. Doyle, after having visited the workhouse of the Glossop union on the 2d instant, that an entry had been made in the visitors' book by one of Her Majesty's inspectors of schools on the subject of the arrangement entered into between the guardians and the guardians of Manchester for the maintenance and education of the pauper children of the Glossop union in the school at Swinton.

I am directed to request that you will furnish the Board with a copy of the entry referred to.

I am, &c.

G. Bowden, Esq.
Clerk to the Guardians.

(Signed) H. FLEMING, Assistant Secretary.

MY LORDS and GENTLEMEN,

Glossop Union, 26 September 1854.

IN compliance with the request contained in your letter of the 22d instant, I beg to forward you herewith copies of two entries made in the visitors' book by Mr. Browne, one of Her Majesty's inspectors of schools, on the subject of the arrangement entered into between the guardians of this union and the guardians of Manchester for the maintenance and education of the pauper children at Swinton.

I am, &c.

(Signed) GEORGE BOWDEN, Clerk to the Guardians.

The Poor Law Board, &c.

I HAVE examined the children here, and find them in a very low state; they appear to have been greatly neglected. I understand that it is proposed to send the pauper children in this house to Swinton; there can be no objection to this as a temporary arrangement, but Swinton is not really too large for the pauper children of Manchester alone, and there can be no doubt that there ought to be a school in this union for the Glossop children. The effect of sending the children out of the union to Swinton will be this, that many children whose stay is uncertain, but who often do remain in the workhouse a considerable time, will not be sent to Swinton, and consequently remain uneducated. The pauperism of every union must bear a certain proportion to its population, and taking into consideration the population of Glossop it is evident that there must be a sufficient number of outdoor pauper children in this neighbourhood to form with the present inmates a school in the workhouse quite large enough to occupy fully the time of one teacher at least. Outdoor pauper children are now instructed in the workhouse at Manchester and in several other unions. As the salary of a teacher in Glossop workhouse would be paid from the Parliamentary grant, it is probable that the guardians would be able to educate 40 or 50 children here for an annual outlay less than what it would cost to educate 10 or 12 children at Swinton.

(Signed) T. B. BROWNE, Inspector of Schools.

11 April 1853.

THE children here are under the charge of a pauper, and in a state of extreme ignorance. None could read. The Lord's Prayer was repeated, but not understood. I have to recommend that a school be organized in the workhouse for the pauper children of this union. The result of the present arrangement under which the elder children are sent to Swinton is, that all children of an age to receive instruction are not properly instructed, as

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I anticipated. The duties of the guardians in respect of education are not discharged by educating some children and neglecting the rest.

27 March 1854.

(Signed) T. B. BROWNE, Inspector of Schools.

P.S. It would be found, I think, more economical to educate the children in the work-house, when suitable accommodation was once provided, than to pay for 10 at Swinton, as the teacher's salary would be paid from the Parliamentary grant.

[*Civil Service Examination, 30th June 1855.*]

C.

1. Read the subjoined documents, observing carefully the difficulties referred to in the dispatch, and the justification which they were considered to afford for the course pursued by the Governor of the colony.
2. Give a *short* analysis of the Colonial Act.
3. Write a letter from the Secretary of State for the Colonies approving or disapproving of the course pursued. In either case give your reasons at length.

EXTRACT of a DESPATCH from the Lieut.-Governor of the Colony of VICTORIA to Sir JOHN S. PAKINGTON, dated Melbourne, December 2, 1852.

THE enclosed Act to facilitate the apprehension of offenders is so novel in its character, and so stringent in its provisions, as to demand some preliminary explanation of the circumstances under which it was introduced.

Her Majesty's Government will have been fully made aware, through one channel or another, of the extent to which the discovery of gold in Victoria has affected the population of the neighbouring colonies. It must be evident that the transported convict has fully felt this influence; and it is undeniable that, from the outset, not all the vigilance exercised by the authorities availed to prevent a very considerable influx of all classes into this colony.

Having once eluded the vigilance of the authorities in Van Diemen's Land, our own laws and regulations opposed no sufficient obstacle to their introduction; and it was soon seen that numbers of persons under sentence of transportation were intermingled with the crowds in the towns, and thronging to the gold fields. Many of the class of ticket-of-leave holders are known to have come to the colony, to have amassed wealth, and returned to Van Diemen's Land. But numbers of other classes who thus effected their escape, suddenly released from the coercive discipline to which they had been subjected, and in full liberty under circumstances so favourable to their views, engaged at once in the perpetration of the most daring outrages.

The certainty that such was actually the case, and the feeling that, beyond the damage and injury resulting to individuals and to the community, the population of the colony became open to an imputation of a degree of lawlessness and criminality with which it was not fairly chargeable, justly roused the public indignation. It not only strengthened the hands and the cause of that section of the community which had long come prominently forward to advocate the cessation of transportation upon the broad grounds of its inexpediency and of the injury which, even under ordinary circumstances, that system must entail upon these colonies, but it made every individual in the community alive to the evils which that system might involve and bring to his own door.

A bill seeking in some degree to cope with this difficulty, and to which allusion had been made by me in my opening address to the Council, was in course of preparation, and was about to be introduced, when the intentions of the Government were anticipated by an elective member obtaining leave to bring in a "Bill for the apprehension of offenders illegally at large, and their ready transmission to the countries from which they escaped." The zeal and haste of the framers of this bill had induced them to overlook many salient principles of constitutional liberty; but as the evils sought to be redressed were of no ordinary magnitude, compromising to an alarming extent the maintenance of public order and the security of property, at the same time that they threatened to necessitate an expenditure for police protection and the administration of criminal justice tantamount to one third of the whole revenue as then collected, it was considered highly desirable on the part of the Government to show every disposition to co-operate heartily with the colonists; at the same time that it performed its duty in seeking to mitigate the severity of the proposed enactments, and in giving a more constitutional impress to the measure thus introduced, and received with a degree of popular enthusiasm. The result is the bill which I now submit for consideration, but to which I have felt it my duty, under the extraordinary circumstances of the times, to yield the royal assent. It has been called for by the peculiar exigencies of the period, and therefore limited in its duration to two years. It professes to deal with a class, and with that class only, which has not only already violated positive enactments, but abused the indulgence extended to them.

It is impossible to exaggerate the evils with which this Act seeks to grapple; and I would direct attention to the criminal returns which I have appended, from which it will be seen to what extent the amount of crime is influenced by the introduction of those illegally at large into this community, and the circumstances in which they find themselves placed.

The clauses subsidiary to the chief object, although objectionable as tending to fetter inter-colonial trade and trench on private rights, were necessarily introduced to render the Act operative.

It need scarcely be observed that on various occasions of local or agrarian disturbance Her Majesty's Government have been compelled to pass measures more penal than the present, extending even to the temporary suspension of the Habeas Corpus Act: and the statute book of New South Wales still contains several Acts as coercive in many of their provisions.

Persons to whom Her Majesty has been graciously pleased to grant a remission of sentence have been protected, and the royal prerogative of mercy has been saved.

The surrounding circumstances and unparalleled features of the case being considered, and the main object of the Act kept steadily in view, it will, I trust, be considered that the measure is not more rigorous than was imperatively demanded.

I am enabled to state that since the Act came into force the mere fact of its existence has been undeniably favourable to the state of the colony. It is seen not only to deter many from running the hazard of an infringement of its provisions, but, taken into connexion with the course adopted by the Lieut.-Governor Sir William Denison, in stationing in Victoria certain active agents for the detection and apprehension of offenders transported to Van Diemen's Land and illegally at large, has had the effect of driving a very considerable number of the worst characters out of the colony.

ENCLOSURE in the preceding Despatch.

No. XIII.

AN ACT to facilitate the Apprehension and prevent the Introduction into the Colony of Victoria of Offenders illegally at large.

WHEREAS great evils have arisen within the colony of Victoria from the continual influx of runaway convicts from Van Diemen's Land, and from the arrival in large numbers of convicts allowed to be at large under cover of instruments purporting to be conditional pardons, or tickets of leave: And whereas it is essential, for the preservation of peace and good order in the community, that an immediate stop should be put to the landing or being in the said colony of Victoria of convicted felons, or other persons undergoing sentence of transportation for offences against the laws: Be it enacted by his Excellency the Lieutenant-Governor of the colony of Victoria, by and with the advice and consent of the Legislative Council thereof, as follows:

I. Any master-mariner or other person owning, commanding, navigating, or sailing any ship, vessel, or boat for the trip or voyage, when any such ship, vessel, or boat shall bring to any port or other place in the colony of Victoria any runaway convict, or any convict coming under cover of any conditional pardon, ticket of leave, or indulgence of any kind, other than a free pardon or remission of his or her sentence by Her Majesty, shall, upon conviction thereof before any two justices of the peace having jurisdiction within the said colony, or any portion thereof, for every such offence be liable to a fine not exceeding one hundred pounds, or to imprisonment for any time not exceeding six months, or to both, at the discretion of the said justices.

II. It shall be lawful for any justice of the peace, or any constable having reasonable cause to suspect any person to be an offender illegally at large as herein-after mentioned, forthwith and without any warrant for such purpose to cause such suspected person to be apprehended and taken before any one or more justices of the peace of the said colony for examination as herein-after provided.

III. Every person apprehended on suspicion of being an offender illegally at large shall, on being taken before any one or more justices of the peace having jurisdiction within the said colony, or any part thereof, prove to the reasonable satisfaction of such justice or justices that he or she is not an offender illegally at large, upon which proof such justice or justices shall forthwith order his or her discharge; and in default of such proof, the burthen whereof shall always be upon the person accused, it shall be lawful for such justice or justices to order such person to be detained in custody until it shall be ascertained whether such person is or is not an offender illegally at large.

IV. It shall be lawful for any two justices, on proof that such suspected person is an offender illegally at large, at their discretion, either to cause such person to be conveyed in irons by the most safe and expeditious mode of conveyance to the colony or possession to which he was transported, or in which he was convicted, to be dealt with according to law, or to sentence such suspected person, if a male, to be kept to hard labour, in irons, on the public works of the said colony of Victoria, for any period not exceeding three years, or if a female, to be imprisoned and kept to hard labour in any of the gaols of the said colony for any period not exceeding two years.

V. All property found upon or in the possession of any person convicted of being an offender illegally at large shall be forfeited; and it shall be lawful for the convicting justices to order the whole or a sufficient part thereof to be applied towards the expense of conveying such offender to the colony or possession to which he was transported or in which he was convicted, as herein-after mentioned.

VI. Every person who shall harbour or conceal any offender illegally at large shall, on conviction thereof before any two justices of the peace having jurisdiction within the said colony of Victoria, or any portion thereof, forfeit and pay for every such offence any

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sum not exceeding fifty pounds; and in default of immediate payment shall be imprisoned in any of Her Majesty's gaols in the said colony for any period not exceeding six calendar months.

VII. Oral proof that any person was, in Van Diemen's Land or any other British colony or possession other than the colony of Victoria, known to be or was commonly deemed and reputed to be a transported felon, or a convict under sentence for any capital or transportable offence, shall, for the purposes of this Act, be taken as good *prima facie* evidence that such person was transported to such colony or possession, or convicted therein of a capital or transportable offence, as the case may be; and oral proof that such person was so known, deemed, or reputed, at any period within seven years, shall be taken as good *prima facie* evidence that such person has not served the full period of his sentence or the full term for which he was transported, and has not received such pardon or remission as herein-after mentioned, unless the contrary be proved.

VIII. It shall be lawful for any justice of the peace, having credible information on oath that any offender illegally at large is harboured in any dwelling house or tenement, or other place within his jurisdiction, to grant a general search-warrant to any one or more constables to search for such offender; and it shall be lawful for any such constable or constables, in virtue of such general search warrant, to break, enter, and search, by day or by night, any dwelling-house, tenement, or other place within such jurisdiction wherein such offender may be suspected to be concealed, and to apprehend or cause to be apprehended any person whom such constable or constables shall have reasonable cause for suspecting to be an offender illegally at large; and also to apprehend all persons found in or about such dwelling-house or tenement, or other place, whom such constable or constables shall have reasonable grounds for suspecting and believing to have knowingly harboured and concealed such offender illegally at large as aforesaid; and all persons so found and apprehended as aforesaid shall, by such constable or constables as aforesaid, be forthwith taken before a justice or justices of the peace having jurisdiction in the locality, for examination, and to be further dealt with according to law.

IX. It shall be lawful for any justice of the peace, or any constable, to enter on board any ship or vessel trading between any of the ports of the said colony of Victoria and of the island of Van Diemen's Land or its dependencies, and having reasonable cause to suspect an offender illegally at large to be on board such ship or vessel, to search any and every part thereof, and apprehend any person found therein whom such justice or constable shall have reasonable cause to suspect to be an offender illegally at large.

X. All Her Majesty's subjects shall be liable to be called upon to aid and assist in executing and enforcing the several provisions of this Act; and every person who shall be so called upon to aid and assist, and shall refuse or neglect so to do, shall be liable to a fine not exceeding five pounds, to be recovered and levied in a summary way before any justice of the peace, over and above any punishment to which such person shall be liable by law.

XI. All fines and penalties recovered under this Act, and all monies and properties forfeited and not especially appropriated, shall be applied and go one moiety to Her Majesty, Her heirs and successors, for the public uses of the said colony, and in support of the government thereof, and the other moiety to the use of the informer or party prosecuting, who shall nevertheless be deemed a competent witness.

XII. All proceedings under this Act shall be had and taken in a summary way, and no such proceeding shall be quashed for want of form, or removed by *certiorari* or otherwise into the supreme court of the said colony of Victoria.

XIII. If any suit or action shall be brought against any justice of the peace, constable, or other person for any act or thing done in furtherance of the provisions of this Act, the defendant in every such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; and if the verdict shall be for the defendant, or if the plaintiff in any such action or suit shall be nonsuited, or discontinue his action or suit after the defendant shall have appeared, or if upon demurrer judgment shall be given against the plaintiff, the defendant shall have treble costs, and shall have the like remedy for the same as any other defendant hath in any other case to recover costs by law; and although a verdict shall be given for the plaintiff in any such action, he shall not be entitled to recover any costs against the defendant, unless the judge before whom such action shall be tried shall certify at the trial, and in open court, under his hand, on the back of the record, his approbation of the action and of the verdict obtained thereupon.

XIV. Every person who has been or shall be transported for any offence against the laws to any British colony or possession other than the colony of Victoria or of New South Wales, or who has been convicted of any capital or transportable offence in any British colony or possession other than the said colony of Victoria or of New South Wales, and who shall be found in the said colony, not having served the full term for which he or she was transported, or the full period of his sentence, or not having received from Her Majesty a free pardon or remission of his or her sentence, shall for the purposes and in the construction of this Act be deemed to be an offender illegally at large; and the expression "offender illegally at large," wherever it occurs in this Act, shall be taken to signify and denote such person so transported or convicted, and who has not served such term or period, or received such pardon or remission as aforesaid.

XV. Nothing in this Act contained shall be taken to interfere with Her Majesty's royal prerogative of mercy.

XVI. This Act shall commence and take effect from and after the first day of November in the year of our Lord one thousand eight hundred and fifty-two, and continue in force for two years.

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D.

Select one of the following subjects for English Composition:—

1. A letter from an Australian colonist, describing the effects of the discovery of gold, and speculating as to its future consequences:

Or,

2. A comparison of the merits and defects of any two historians with whose works you are acquainted:

Or,

3. An essay on the influence of increased habits of travelling on national character.

E.

Write a letter applying for a situation in a mercantile house, selecting any branch of business you please. State fully the duties you are prepared to undertake, the nature of your previous employment, and any other circumstances which would naturally be mentioned in such an application.

The letter should fill about two folio pages.

F.

Supposing yourself to have been asked to undertake the management of a gentleman's estate, write a letter accepting or rejecting the offer.

State as fully as you can the duties you conceive to be attached to the situation, and the reasons which have influenced your decision.

The letter should fill not less than two folio pages.

G.

Supposing yourself to have received an offer of a situation in one of our colonial dependencies, write a letter accepting or rejecting it. Select any situation you please; state the nature of the duties and responsibilities which appear to be attached to it, and the reasons which have influenced your decision.

The letter should fill not less than two folio pages.

H.

A London merchant has sent out a confidential agent to one of the following places; Hamburgh, Dantzic, Stockholm, Havre de Grace, Rio Janeiro, Lisbon, New York, or Boston U.S., with a view to his making full inquiries into the present state and future prospects of trade. Write a letter, as from such an agent to his employer, informing him of the result of such inquiries, and giving him full information on any point that would be useful under such circumstances.

The letter should fill not less than two folio pages.

I.

Read the following correspondence, and—

- (1) Make a short abstract of the several letters.
- (2) Write a final answer from the Secretary to the Admiralty, referring to and repeating the substance of the preceding letters, and rejecting the proposal of the Company.

MR. HOWELL to the SECRETARY of the ADMIRALTY.

Peninsular and Oriental Steam Navigation Company,

February 2, 1853.

SIR,

I AM instructed by the Directors of the Peninsular and Oriental Steam Navigation Company to request you will be pleased to represent to the Lords of the Admiralty that the Directors entertain great apprehensions that the Contract Mail Service in the Indian,

* Offices in which English Composition is a prescribed subject are (omitting those from which no candidate has yet been sent), ADMIRALTY (Somerset House); AUDIT OFFICE; CIVIL SERVICE COMMISSION; CUSTOMS (Solicitor's Office); GENERAL REGISTER OFFICE; INDIA BOARD; INLAND REVENUE (Clerks); METROPOLITAN POLICE COURTS; POOR LAW BOARD (Supplementary Clerks); POST OFFICE (Secretary's Office); STATIONERY OFFICE; TREASURY (Supplementary Clerks); WAR DEPARTMENT (Secretary of State's Office; all the Pall Mall branches: and Army and Ordnance Medical Department); OFFICE OF WORKS; BOARD OF FISHERIES (Scotland); CHIEF SECRETARY'S OFFICE (Ireland); OFFICE OF DIRECTORS OF PRISONS (Ireland); REGISTRY OF DEEDS OFFICE (Ireland). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where English Composition has been named as a voluntary or extra subject by candidates from other departments.

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China, and Australian Seas must ere long be seriously interrupted for want of coal. The moment that the Company's tender for the new mail contract was accepted in March last they commenced contracting for the supply of fuel to meet the double service, but from that time, owing to the scarcity of shipping, the prices of freight for its conveyance have risen so much as to amount to an increase of nearly 100 per cent., and at such prices the addition of cost to the Company on the year's operations would amount to upwards of 130,000*L.*, as per statement enclosed; this is exclusive of the Australian service. At the time of tender, coals, the produce of that country, could be obtained in abundance at 18*s.* 6*d.* to 20*s.* per ton; this supply has ceased altogether, the labour of the mines having been drawn to the gold fields; and now 80*s.* per ton for coal-delivered at ports in Australia from this country has been unavailingly offered.

But the question is now no longer one of price, the fact being that such has been the demand for shipping during the last six months, and such it still continues, that available tonnage, whether British or foreign, does not exist at the present time in the United Kingdom. A contractor with the Company and one of the largest shipowners and agents in this country, unable to obtain tonnage in fulfilment of his contract, incurred a penalty to the extent of 3,062*L.* 11*s.* 1*d.*, which under the circumstances the Company mitigated to 1,903*L.* 15*s.* 5*d.*, and this amount he has paid. Another party, after supplying 3,900 tons of coal for Aden, under a contract for 8,000 tons, have announced their total inability to find tonnage for its completion.

The Directors, although aware that other steam-mail contractors are likewise suffering from the same cause, have abstained from all communication on this subject, directly or indirectly; their cases, however, in comparison with that of the Peninsular and Oriental Company, are very different in extent.

It has been ascertained that for colonial service alone, exclusive of Australia, no less than 111,000 tons per annum have to be placed at distances requiring a period of six months between contract and delivery.

Under these circumstances, the Directors have felt it to be their duty to their Lordships, to their shareholders, and to the public, to make this statement, and to request that their Lordships may be pleased to direct an immediate inquiry to be instituted in the matter, so that their Lordships may in time be thus better prepared to deal with the question with that measure of justice between the public service and the contractor with which they have always met cases of emergency and unforeseen difficulty.

(Signed) C. W. HOWELL,
Secretary.

The SECRETARY to the ADMIRALTY to the PENINSULAR AND ORIENTAL COMPANY.

GENTLEMEN,

Admiralty, February 4, 1853.

HAVING laid before my Lords Commissioners of the Admiralty your letter of the 2d instant, on the subject of the difficulty of obtaining supplies of coals for carrying on the mail service under your contract, I am commanded to acquaint you that, under these circumstances, my Lords would wish to be informed if you are prepared to surrender your contract, in order to its again being thrown open for public competition; and that my Lords wish for an early reply.

I am, &c.
(Signed) W. A. B. HAMILTON.

Mr. HOWELL to the SECRETARY of the ADMIRALTY.

Peninsular and Oriental Steam Navigation Company,
Offices, 122, Leadenhall Street; London, February 9, 1853.

SIR,

REFERRING to my letter of the 2d instant, in which I had the honour to state for the information of the Lords Commissioners of the Admiralty, that a special meeting of the Board of Directors had been summoned for this day, to take into consideration their Lordships' letter of the 4th instant, I am now instructed respectfully to request that the Directors may be informed whether they are correct in the inference to which they have been led by the tenor of that communication, that their Lordships do not feel disposed to institute an inquiry with a view of ascertaining whether it be a fact that sufficient available tonnage does not now exist in this country, or is likely to be within reach for many months, for the conveyance of fuel to the Company's depôts in the Eastern Seas, seeing that the quantity of tonnage requisite for the transport of coal to the extent necessary for the performance of the semi-monthly service, including the Australian line, is not less than 10,000 tons per month.

It is upon the existence or non-existence of the means of transport, the Directors take leave to submit, that the whole question hinges; they have without hesitation paid latterly 100 per cent. more in the price of coals than the same supply would have cost at the rates which ruled when their tender for the double mail service was accepted in March last, and it was not until price ceased to form part of the question that the Directors applied to their Lordships, with a request that they would be pleased to take cognizance of the existing state of things. The Directors would respectfully repeat their conviction that twenty sail of vessels of 500 tons each, or for any other burden equal to 10,000 tons per month, cannot now be obtained; and they beg to solicit their Lordships'

perusal of the letters from well-known contractors, enclosed herewith, confirming their opinion.

It is within the knowledge of the Directors, that all available and suitable tonnage has been swept away from the ports of Holland, and that large Dutch ships are now loading at Liverpool for Australia; it is also a fact that even a Spanish ship having arrived at Liverpool, her consignee received the very next day a lucrative offer for freight for the British colonies.

As soon as the impending scarcity of shipping became apparent, not only did the Directors yield to the higher prices required by the contractors, but they sought for other means of keeping up a supply, and purchased at a cost of 15,000*l.* a screw-collier, with the intention of employing her in the conveyance of fuel from the coal-producing districts of the Eastern Archipelago to their depôts in the China Seas; this vessel, which is capable of carrying 700 tons of coals, is being completed with all dispatch.

Under all the circumstances of the case, the Directors would now respectfully suggest that as the Company have at present in store, and on the way to their Eastern depôts, sufficient fuel for twelve months' consumption, or nearly so, for carrying on a monthly communication, as shown by the enclosed Tables marked A and B, the execution of the new arrangements for the semi-monthly communication be postponed for that period, and that in the interim the mail service be carried on monthly under the yet existing contract of 1844, the Company continuing to perform at a mileage rate, to be agreed upon, the service between Marseilles and Malta, and between Singapore and Australia, upon which they have already entered.

In carrying out this proposition the Company must still seriously suffer, inasmuch as they have already built, and have under construction, nine steam-ships intended for the performance of the double service, involving an outlay of 650,000*l.*; which amount of capital must remain not only unproductive, but undergoing depreciation pending the commencement of the operations for the execution of which it was expended.

I have, &c.

(Signed) C. W. HOWELL, Secretary.

Messrs. W. S. LINDSAY and Co. to the PENINSULAR AND ORIENTAL COMPANY.

GENTLEMEN,

8, Austin Friars, January 27, 1853.

WE have your instructions with respect to the Hong-Kong contract held by us.

Knowing, however, your very great anxiety with relation to these contracts, we think it our duty to advise you exactly how we stand as contractors with you.

We have, as you are aware, as large a command of tonnage as any firm in this country.

Notwithstanding this, however, we are utterly precluded from fulfilling our engagements for Hong-Kong, as, from your own knowledge of the extraordinary position of the shipping trade, you cannot but be aware.

With regard to Singapore, the prospect of obtaining tonnage is, if possible, even worse; and we really do not see how we can find ships for the balance of our contract for that port.

It is not a question of rate. There are no ships. They are either fixed for Australia, or fixed there for want of crews to bring them away.

The difficulty is absolute, and quite independent of any question of rate. Viewing this, we feel bound to tell you candidly, that unless a change take place we must break down in our contract with you.

We will leave no stone unturned to perform our part, but we cannot do impossibilities; and, under the extraordinary circumstances of the case, we anxiously await your advice as to how we should act in order to protect your interests.

We are, &c.

(Signed) W. S. LINDSAY & Co.

Messrs. H. and C. TOULMIN to Mr. HOWELL.

SIR,

31, Great St. Helens, February 1, 1853.

IN reference to our contracts for the delivery of coals at Ceylon, Calcutta, and Bombay, we are sorry to inform you that it will be quite impossible for us to fulfil them, from the fact that vessels are not to be had for this employment. We have been for some time endeavouring to procure tonnage, we may almost say, without reference to the rate of freight, but cannot succeed.

We attribute the cause on the one hand to the detention of vessels in Australia, and on the other to the great demand that exists for the few vessels available, the owners of which will not take a freight of coals so long as they can get other employment.

We shall continue to do our best; at the same time we do not think there will be a change in this state of things for some time to come, and we therefore trust you will deal leniently with us, since the inability to comply with the terms of the contract arises from circumstances over which we have no control.

We are, &c.

(Signed) H. & C. TOULMIN.

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Messrs. PHILLIPS, SHAW, and LOWTHER, to the PENINSULAR AND ORIENTAL COMPANY.

2, Royal Exchange Buildings,
February 2, 1853.

GENTLEMEN,

WITH reference to your inquiry as to the rate at which we would undertake to supply you with coal at Singapore and other ports in India, we beg to say that at the present time we could not undertake any contracts for so doing.

We were on the 24th ultimo requested by you to furnish tenders for the supply of 4,000 tons of coal to Singapore to leave this country during the months of February and March. Our principal filled in, sealed, and was on the point of forwarding to you the accompanying tender for such supply at the rate of 70s. per ton, deeming at the time that it would be a safe and profitable transaction. Fortunately, just as the tender was about to leave this office, one of his partners came in and expressed his conviction that we should be unable to obtain tonnage at even that high rate, which opinion has by subsequent experience been fully justified, and we now congratulate ourselves on not having handed it to you.

We hand it to you still sealed, together with your letter, in the margin of which you will find the rate marked by the writer for our guidance had you accepted the tender.

We beg to add that we could not now accept much higher terms for the required supply.

We remain, &c.

(Signed) PHILLIPS, SHAW, & LOWTHER.

K.

16, Furnival's Inn, London,
15th December 1852.

MY LORDS,

I BEG to refer your Lordships to the correspondence which took place in the months of August and September last, between the Secretary of the Board of Trade and myself, on behalf of a Mr. Pearce, respecting the propriety of a certain intended deviation from the levels of the Wycombe Railway, and to inform your Lordships that in consequence of your considering, for the reasons stated in the communication of your Secretary of the 16th of September last, your Lordships had no power to interfere, under the 8th Vict. c. 20. s. 12. Mr. Pearce filed a bill in Chancery against the Company, and upon a motion for an injunction, which came on to be heard on the 11th ult., an order, an extract of which is enclosed, was made by the Court. As the solicitor for Mr. Pearce I therefore have to state to your Lordships that I am willing not to raise any objection to your Lordships' jurisdiction, and shall be glad to be informed whether, under the circumstances, your Lordships will enter upon the matter with a view to deciding upon the propriety of the deviation referred to, and if so, perhaps your Lordships will appoint a time and place at which all parties can be heard.

I have, &c.

To the Lords of the Committee
of Privy Council for Trade.

B. W. RAWLINGS.

EXTRACT from an Order of Vice-Chancellor Kindersley, dated 11th November 1852, and made in the cause of Pearce v. Wycombe Railway Company.

"Both parties by their counsel now undertaking not to raise any objection to the jurisdiction of the Board of Trade, and to abide by the decision of that Board, this Court doth order that this motion do stand over until after such decision shall be obtained. But in case the Board of Trade shall refuse to entertain jurisdiction, then either party is to be at liberty to apply to this Court, as they shall be advised; and the defendants by their counsel undertaking to abide by such order as this Court shall think fit to make with regard to any of the works, it is ordered that they be at liberty to go on with the works which they are now prosecuting. But this undertaking is not to prejudice the right of either party to appeal, as they may be advised; and either party is to be at liberty to apply to this Court, as they may be advised."

Railway Department, Board of Trade,
Whitehall, 17th December 1852.

SIR,

I AM directed by the Lords of the Committee of Privy Council for Trade to acknowledge the receipt of your letter of the 15th inst., enclosing an extract of an order made by Vice-Chancellor Kindersley, on an application by Mr. James D. M. Pearce, for an injunction to restrain the Wycombe Railway Company from making a certain deviation from the authorized levels of their railway beyond the limit prescribed by the eleventh section of the Railways Clauses Consolidation Act.

It is stated in the order that both parties by their counsel undertaking not to raise any objection to the jurisdiction of the Board of Trade, and to abide by the decision of that Board, it is ordered by the Court that the proceedings do stand over until after such decision shall be obtained.

It appeared from the statements of the parties, when the matter was before their Lordships in August and September last, that the notices required by the 12th section of the Railways Clauses Act had not been given by the Company with reference to

this deviation; there may, therefore, be parties whose interests are affected by the deviation, who have not had an opportunity of objecting to the deviation, and who would not be bound by the present submission. Under these circumstances their Lordships consider that the position of the case is not such as would enable them to decide generally the question of the propriety of the deviation, but only the question whether, taking into consideration the advantages that may arise from the alteration to the public, to the Company, and to other parties, the injury that it may occasion to the property of Mr. Pearce is in itself a sufficient ground for disallowing the deviation.

The decision of the latter question, however, might have the effect of preventing further litigation; and if both parties desire it their Lordships will be prepared to enter upon the consideration of that question, and with that view will direct one of their inspecting officers to inquire into the circumstances of the case on the spot, when he can meet by appointment an agent for each of the parties.

PRÉCIS and
CORRESPONDENCE.

B. W. Rawlings, Esq.

I am, &c.

J. L. A. SIMMONS.

Capt. Royal Engineers.

MY LORDS,

3, Park-street, Westminster,
18th December 1852.

I HAVE the honour to submit to your Lordships, on behalf of the Wycombe Railway Company, an application under the General Railways Act, arising from the following circumstances.

The Wycombe Railway Company are authorized by the Wycombe Railway Act, 1846, to cross a public highway in the parish of Cookham (being the road from Maidenhead to Marlow) *on the level*, to which the inhabitants, at a public meeting held in the town of Maidenhead, and Mr. Henry Spratley, the surveyor of the road, have objected, on the ground of inconvenience and danger, the road being one of considerable traffic, and within a short distance of the said town of Maidenhead; and with a desire to remove that objection, and to meet the wishes of the inhabitants generally, the Company are willing to cross it by a bridge, as requested by the said H. Spratley and the resolution of such meeting, but in so doing a strict compliance with the provisions of the above Act and the General Act incorporated therewith becomes impossible, Mr. H. Spratley, the surveyor of the road (and representing the views of the public generally in the locality), differing from the Company in regard to the construction of the railway works at the same road on the level, and Mr. James Daniel Morling Pearce, whose residence is near the said road, but whose property is not touched by the line of railway, objecting to the mode of construction pressed upon the Railway Company by the said H. Spratley and the inhabitants, as aforesaid, alleging that he will be injuriously or prejudicially affected thereby.

In conformity with the provisions of the Railways Clauses Act, the said H. Spratley and James Daniel Morling Pearce were served with notice of this intended application to your Lordships on the 4th December instant, and I have, therefore, on behalf of the Wycombe Railway Company, respectfully to apply to your Lordships to decide upon the proper manner of constructing such works, and to authorize by certificate in writing any arrangement or mode of construction in regard to such works as shall appear to your Lordships either to be in substantial compliance with the provisions of the said Acts, or to be calculated to afford equal or greater accommodation to the public using such road or other works.

I have, &c.

To the Right Honourable the
Lords of the Committee of
Privy Council for Trade.

W. H. WILSON,
Secretary to the Wycombe
Railway Company.

WHEREAS the Wycombe Railway Company are authorized to cross a certain public road, numbered 171 in the parish of Cookham in the county of Berks in the plans referred to in the Wycombe Railway Act, 1846; and whereas at and near the point where the same crosses the said road it is impossible to construct the said railway and the works connected therewith in strict compliance with the provisions of the said Wycombe Railway Act, 1846, and the Acts incorporated therewith, without inconvenience to the Company, and with adequate advantage to the public; and whereas a difference in regard to the construction of works of an engineering nature required by the provisions of the said Acts has arisen between Henry Spratley of Maidenhead in the county of Berks, surveyor of roads, and the said Wycombe Railway Company, with reference to the construction of such works at and near the point aforesaid; and whereas you, the said James Daniel Morling Pearce, object to the construction of the works by the said Company at the point aforesaid, and allege that your property will be injuriously or prejudicially affected thereby; we therefore hereby give you notice that after fourteen days from the service of this notice on you, the said James Daniel Morling Pearce, and from the service of a similar notice on the said Henry Spratley, we shall apply to the Right Honourable the Lords of the Committee of Privy Council for Trade, to decide upon the proper manner of constructing such works at or near the said road, and to authorize by their certificate in writing any arrangement or mode of construction in regard to such works as shall appear to them either

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to be in substantial compliance with the provisions of the said Acts, or be calculated to afford equal or greater accommodation to the public using such road or works.

Dated this third day of December, one thousand eight hundred and fifty-two.

(Signed) W. H. WILSON,
Secretary to the Wycombe
Railway Company.

To Mr. James Daniel Morling Pearce.

WHEREAS the Wycombe Railway Company are authorized to cross a certain public road, numbered 171 in the parish of Cookham in the county of Berks in the plans referred to in the Wycombe Railway Act, 1846; and whereas at and near the point where the same crosses the said road it is impossible to construct the said Railway and the works connected therewith in strict compliance with the provisions of the said Wycombe Act, 1846, and the Acts incorporated therewith, without inconvenience to the Company, and with adequate advantage to the public; and whereas a difference in regard to the construction of works of an engineering nature required by the provisions of the said Acts has arisen between you, the said Henry Spratley, and the said Wycombe Railway Company, with reference to the construction of such works at and near the point aforesaid; we therefore hereby give you notice that after fourteen days from the service of this notice on you, the said Henry Spratley, we shall apply to the Right Honourable the Lords of the Committee of Privy Council for Trade, to decide upon the proper manner of constructing such works at or near the said road, and to authorize by their certificate in writing any arrangement or mode of construction in regard to such works as shall appear to them either to be in substantial compliance with the provisions of the said Acts, or be calculated to afford equal or greater accommodation to the public using such road or works.

Dated this third day of December, one thousand eight hundred and fifty-two.

(Signed) W. H. WILSON,
Secretary to the Wycombe
Railway Company.

To Mr. Henry Spratley.

WYCOMBE RAILWAY—DEVIATION AT COOKHAM.

MY LORDS,

3, Park-street, Westminster, 27th December 1852.

I HAVE received a letter from Mr. Rawlings, the solicitor for Mr. Pearce, enclosing a copy of a communication from your Lordships dated the 17th inst., in which it is stated, "That it appeared from the statement of the parties when the matter was before your Lordships in August and September last, that the notices required by the 12th section of the Railway Clauses Consolidation Act had not been given by the Company with reference to this deviation, and that such being the case it appeared to your Lordships that the position of the matter was not such as would enable your Lordships to decide generally the question of the propriety of the deviation." Your Lordships having been made acquainted by Mr. Rawlings with the fact of proceedings having been instituted by Mr. Pearce against the Wycombe Railway Company, I think it right to state that Mr. Pearce prayed by his bill filed in Chancery that the Company might be ordered to give the notices required by the Act, so as to bring the matter within your Lordships' jurisdiction, and accordingly this Company, in order to comply with Mr. Pearce's request, without waiting for the hearing of the case, immediately gave the necessary notices, as required by the 12th section of the said Act, copies of which are contained in the papers enclosed herewith; and it was in consequence of this fact being made known to the Vice-Chancellor that the order transmitted by Mr. Rawlings was made. I therefore have respectfully to submit to your Lordships that such notices having been given, it is competent for your Lordships not only to entertain the question as regards Mr. Pearce's interest, but also generally to decide and certify as to the propriety or otherwise of such deviation. I beg also to remind your Lordships of my letter of the 18th instant, in which your Lordships were informed of the difference between Mr. Spratley, the surveyor of the road, and the Company, as to the construction of the works at the point alluded to, upon which your Lordships are called upon also to adjudicate.

I am, &c.

To the Right Honourable the
Lords of the Committee of
Privy Council for Trade.

W. H. WILSON,
Secretary to the Wycombe
Railway Company.

1. Make a careful abstract of the foregoing documents.
2. Write a reply from Captain Simmons to the Secretary of the Company, according to the annexed instructions, viz. :—
 - Acknowledge letters of the 18th and 27th December (with short notice of their contents).
 - Accede to the Company's application. An inspecting officer will be directed to make inquiry on the spot, meeting, by appointment, an agent for each of the parties.
 - Evidence will be required that the consents necessary under the Railway Clauses Act have been obtained.

7.—BOOK-KEEPING.*

A.

DOUBLE ENTRY.

The following is a detailed list of transactions in the order in which they occurred :

1855.		£	s.	d.			
June	1. Balance of Cash in hand	-	-	-	225	0	0
	8. Bought of Misa y Bertimati 13 butts Sherry @ £14 -				182	0	0
	„ Sold same to J. Smith @ £15	-	-	-	195	0	0
	„ Paid Misa y Bertimati's acc ^t	-	£182	0	0		
	Less 1¼ Disc ^t		2	5	6		
					179	14	6
	9. Rec ^d from J. Smith, acc ^t duty	-	-	-	50	0	0
	„ Paid duty on 3 butts Sherry for J. Smith, 323 galls.						
	@ 5/6 and 5 per cent.	-	-	-	93	5	4
	entry	-	-	-	0	2	6
	11. Bought of Godson and Co. 12 qr. casks Pale Brandy						
	312 galls. @ 10/3	-	-	-	159	18	0
	„ Sold same to W. Brown, 312 galls. @ 10/6	-			163	16	0
	„ Rec ^d of W. Brown	-	£163	16	0		
	Less 1¼ Disc ^t		2	1	0		
					161	15	0
	12. Bought of Sandeman and Co. 3 pipes Port @ £20	-			60	0	0
	„ Paid duty on, and had home the above, viz. 345 galls.						
	@ 5/6 and 5 per cent.	-	-	-	99	12	4
	13. Sold to Richard Smith 3 pipes Port @ £63	-	-		189	0	0
	„ Rec ^d of R. Smith his acceptance at 3 mos. for his acc ^t	-			189	0	0
	19. Rec ^d of J. Smith balance of am ^t paid for						
	duty	-	-	£43	7	10	
	Add 7 days int ^t	-	0	0	10		
					43	8	8
	„ Rec ^d of J. Smith his acceptance at 3 mos.						
	for am ^t of account	-	-	£195	0	0	
	Add 2 mos. int ^t . at 5 per cent.	-	1	12	9		
					196	12	9
	„ Short measure in 1 butt at regauge, allowed	-	-	0	2	9	
					196	10	0
	22. Discounted with Jones Loyd and Co. two						
	bills	-	-	£385	10	0	385 10 0
	Less int ^t	-	2	7	9		
	Cash rec ^d	-	383	2	3	383 2 3	
	25. Paid Godson and Co.	-	-	-	159	18	0
	26. Paid Sandeman and Co.	-	-	-	60	0	0

It is required,

1. To journalize them.
2. To post them ; opening all Ledger Acc^{ts} that may be necessary.
3. To balance such Acc^{ts} as allow of it ; transfer all the fictitious Acc^{ts}, except Cash, to Private Ledger ; and to state the Balances of all open Acc^{ts}.

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* The offices in which *Book-keeping* is a prescribed subject are (omitting those from which no candidate has yet been sent)—ADMIRALTY (Somerset House, Dockyards, and Temporary Clerks) ; CIVIL SERVICE COMMISSION ; COMMITTEE OF COUNCIL ON EDUCATION ; INLAND REVENUE (Offices of Receipt and Account, and Expectants of Excise) ; TREASURY (Supplementary Clerks) ; BOARD OF FISHERIES (Scotland). The papers which follow have been set to candidates from the above-mentioned departments, and in no other case, except where book-keeping has been named as a voluntary or extra subject by candidates from other departments.

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B.

SINGLE ENTRY.

The following is a detailed list of transactions in the order in which they occurred:

1855.		£	s.	d.
June	1. Balance of Cash in hand	225	0	0
	8. Bought of Misa y Bertimati 13 butts Sherry @ £14	182	0	0
	„ Sold same to J. Smith @ £15	195	0	0
	„ Paid Misa y Bertimati's acc ^t	182	0	0
	Less 1¼ Disc ^t	2	5	6
		179	14	6
	9. Rec ^d from J. Smith, acc ^t duty	50	0	0
	„ Paid duty on 3 butts Sherry for J. Smith, 323 galls. @ 5/6 and 5 per cent.	93	5	4
	entry	0	2	6
	11. Bought of Godson and Co. 12 qr. casks Pale Brandy, 312 galls @ 10/3	159	18	0
	„ Sold same to W. Brown, 312 galls. @ 10/6	163	16	0
	„ Rec ^d of W. Brown	163	16	0
	Less 1¼ Disc ^t	2	1	0
		161	15	0
	12. Bought of Sandeman and Co. 3 pipes Port @ £20	60	0	0
	„ Paid duty on, and had home the above 345 galls. 5/6 and 5 per cent.	99	12	4
	13. Sold to Richard Smith 3 pipes Port @ £63	189	0	0
	„ Rec ^d of R. Smith his acceptance at 3 mos. for his acc ^t	189	0	0
	19. Rec ^d of J. Smith balance of am ^t paid for duty	43	7	10
	Add 7 days int ^t	0	0	10
		43	8	8
	„ Rec ^d of J. Smith his acceptance at 3 mos. for am ^t of account	195	0	0
	Add 2 mos. int ^t . at 5 per cent.	1	12	9
		196	12	9
	Short measure in 1 butt at regauge, allowed	0	2	9
		196	10	0
	22. Discounted with Jones Loyd and Co., Two bills	385	10	0
	Less int.	2	7	9
	Cash rec ^d	383	2	3
	25. Paid Godson and Co.	159	18	0
	26. Paid Sandeman and Co.	60	0	0
July	1. Bought of Tetley and Son 40 bags of cotton 13,728 @ 4¾d.	264	11	0
	„ Paid wages and Petty Expenses for June	13	7	5
	6. Accepted a Bill drawn by Tetley and Son, 2 mos. from 1st instant	264	11	0

1855.		£	s.	d.
July	7. Sold T. Singleton 10 bags cotton, 7,368 lbs. @ 6d.	-	184	4 0
	8. Bought of Price and Co. 2 lots Surat cotton—			
	Lot 217, 6 bales, 2,102 lbs. $2\frac{1}{2}d.$	-	21	17 11
	Lot 8, 6 bales, 2,081 lbs. $2\frac{1}{2}d.$	-	21	13 6
			43	11 5
	„ Paid deposit on above - - - - -	-	11	0 0
	9. Sold Jones and Co. 6 bales Surat, 2,102 lbs. $3\frac{3}{4}d.$	-	32	16 10
	10. Sold Parker and Maidstone 12 bags cotton, 3,102 lbs.			
	@ $4\frac{3}{4}d.$ - - - - -	-	54	2 6
	11. Received of T. Singleton on account - - -	-	100	0 0
	13. Received of Jones and Co. amount of their			
	account - - - - -	-	£32	16 10
	Less $1\frac{1}{4}$ - - - - -	-	0	8 4
			32	8 6
	14. Sold Jas. Dunkerley 18 bags cotton, 3,258 lbs. @ 5d.	-	67	17 6
	19. Sold John and G. Buckley 3 bales Surat 1,043 lbs.,			
	$2\frac{3}{4}d.$ - - - - -	-	11	18 11
	22. Paid Price and Co. - - - - -	-	32	11 5
	Cash - - - - -	-	£32	10 0
	Allowed - - - - -	-	0	1 5
	„ Paid wages, &c. to date - - - - -	-	11	7 3

These transactions are

1. To be entered into—
A Sales book,
A Cash book,
An Invoice book,
A Bill book; and
2. Posted into the Ledger.
3. Write down the amounts I owe; and the amounts I am owed; and state what the balance of Cash on hand is on July 22d.

C.

DOUBLE ENTRY.

1855.		£	s.	d.
Oct.	1. Cash in hand this day - - - - -	-	116	2 9
	Value of Stock on hand - - - - -	-	714	3 4
	Cash at Bankers (Smith, Payne & Co.) -	-	543	16 1
	2. Sold to J. Bottram:—			
	12 Reams large thick Post @ 25s. - - -	-	15	0 0
	12 Reams thick wove Post @ 20s. - - -	-	12	0 0
	3. Sold to James Simpson:—			
	10 Reams Foolscap 10s. - - - - -	-	5	0 0
	25 lbs. Sealing Wax 2s. 6d. - - - - -	-	3	2 6
	„ Bought of J. Whatman and Co.:—			
	50 Reams Blue Royal, 20s. - - - - -	-	50	0 0
	50 Reams Printing Royal 18s. 6d. - - -	-	46	5 0
	10. Accepted Bill drawn by J. Whatman & Co. for am ^t of			
	their a/c at 3 mos. - - - - -	-	96	5 0
	„ Rec ^d of J. Bottram - - - - -	-	26	6 6
	viz. a/c - - - - -	-	£27	0 0
	Less $2\frac{1}{2}\%$ - - - - -	-	0	13 6

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1855.						£	s.	d.
Oct. 10.	Rec ^d of Jas. Simpson	-	-	-	-	8	0	0
	viz.	-	-	-	-	£8	2	6
	Less $1\frac{1}{4}\%$	-	-	-	-	0	2	6
12.	Bought of J. Hazeldine 600 lbs. super. Wax 2s.	-				60	0	0
15.	Paid J. Hazeldine by cheque on Smith, Payne & Co.	-				58	10	0
	viz. a/c	-	-	-	-	£60	0	0
	$2\frac{1}{2}\%$	-	-	-	-	1	10	0
„	Bought of Joseph Gillott :—							
	200 Gross Magnum B. 8s.	-	-	-	-	80	0	0
„	Sold James Simpson :—							
	50 Gross M. Bs. 8s. 9d.	-	-	-	-	21	17	6
	1 Rm. Antiquarian £41	-	-	-	-	41	0	0
	50 lbs. super. Wax 2s. 6d.	-	-	-	-	6	5	0
„	Sold Oliveira and Co. :—							
	100 Reams Foolscap 11s.	-	-	-	-	55	0	0
	150 lbs. super. Wax 2s. 6d.	-	-	-	-	18	15	0
	50 Gross Magnum B, 8s. 6d.	-	-	-	-	21	5	0
„	Sold John Smithers :—							
	25 Reams Foolscap 10s. 6d.	-	-	-	-	13	2	6
	50 Gross Mitchell's S. Pens 5s.	-	-	-	-	12	10	0
	20 Doz. Red Tape 2s. 9d.	-	-	-	-	2	15	0
29.	Paid Joseph Gillott by cheque on Smith, Payne & Co.	-				79	0	0
	viz. a/c	-	-	-	-	80	0	0
	$1\frac{1}{4}\%$	-	-	-	-	1	0	0
„	Rec ^d of Oliveira and Co. their acceptance at 3 mos.	-				95	0	0
„	Paid into Smith, Payne & Co's.	-	-	-	-	140	0	0

These transactions are to be recorded in the necessary Books, and the Ledger is to be closed and balanced.

DOUBLE ENTRY.

1. What distinguishes double entry from single entry?
2. In the ordinary or Italian system there were formerly but three books ordinarily used; what were they?
3. In a business where goods are bought and sold, payments received and made in cash and bills, and discount allowed and taken, what books would be necessary, supposing no waste book to be used, and a separate book to be required for each sort of entries?
4. A merchant of Sydney remits to me 200*l.* to lay out on his account; I am to be allowed $1\frac{1}{4}$ per cent. upon all purchases I make, and buy of A 60*l.* worth, B 97*l.* worth, C 20*l.* worth, and pay 14*l.* 10s. dock and shipping charges. What journal entries would be necessary for properly recording these transactions in my books?
5. Give a copy of my account as it would stand in the ledger of my correspondent, after he has entered the same transactions.
6. In balancing how should merchandise $\frac{a}{c}$ be closed, and on which side of stock $\frac{a}{c}$ should the balance fall to show me solvent?
7. If you are acquainted with any method of keeping books by double entry by which the use of a journal is dispensed with, describe it briefly.

SINGLE ENTRY.

Read the following memorandum of part of a day's transactions:

1855.

July 1.	Bought of W. Barton :—				£	s.	d.
	10 doz. old Port 54s.	-	-	-	27	0	0
	Sold to W. Barton :—						
	1 pipe X.V.D. Port 24 <i>l.</i>	-	-	-	24	0	0
	Allowed W. Barton :—						
	Dock charges on the above	-	-	-	1	2	7
	Paid W. Barton	-	-	-	28	2	7
	Received of W. Barton his acceptance at 3 mos.	-			24	0	0

1. State what books would be necessary to record these transactions, and which of them would be entered in each.

2. Give a copy of the ledger account of W. Barton as it would stand when all these entries are posted into it.
3. Give a similar copy of my account as it would stand in W. Barton's ledger.

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BOOK-KEEPING.

DOUBLE ENTRY.

1. In what is book-keeping by double entry different from book-keeping by single entry?
2. In the ordinary system of book-keeping by double entry, what books are necessary, and which of them is peculiar to it?
3. A buys goods of B to the amount of 50*l*.: What should be the entry of the transaction in A's journal, and what in B's?
4. If on balancing the ledger the amount on the left hand-side of merchandise $\frac{1}{2}$ should be greater than that on the right hand, should you have gained or lost?
5. How would you close merchandise $\frac{1}{2}$, and profit and loss $\frac{1}{2}$?
6. Suppose that at balancing you were worth 1,250*l*.; that you owed 900*l*. (to two creditors A and B, and to each an equal amount); that your stock on hand was worth 650*l*.; and that your other assets consisted of bills receivable 325*l*., and accounts owing by C, D, and E, by each an equal amount: What should your ledger balances be to show such a state of affairs?

8. ARITHMETIC.

ARITHMETIC.

A.

ELEMENTARY.

1. Add $\begin{array}{r} 54721 \\ 60399 \\ 27546 \\ 81329 \\ 76401 \\ 89207 \end{array}$

2. From $\begin{array}{r} 201543750911 \\ \text{take} \quad 1923854925 \end{array}$

3. Multiply 53786417276 by 5846.

4. Divide 793847615 by 5.

5. Divide 632798014 by 7243.

6. The Norman Conquest took place in the year 1066 and Queen Victoria was crowned in 1838, how many years intervened between the two events?

7. How many days intervened between 6th April 1836 and 6th April 1854?

8. Add $\begin{array}{r} \text{£} \quad \text{s.} \quad \text{d.} \\ 5680 \quad 11 \quad 9\frac{3}{4} \\ 2794 \quad 17 \quad 8 \\ 5477 \quad 8 \quad 10\frac{1}{2} \\ 4856 \quad 4 \quad 9\frac{3}{4} \\ 7765 \quad 19 \quad 7\frac{1}{2} \\ 6461 \quad 8 \quad 2\frac{1}{4} \end{array}$

9. From $\begin{array}{r} \text{£} \quad \text{s.} \quad \text{d.} \\ 167540 \quad 9 \quad 2\frac{1}{4} \\ \text{take} \quad 85981 \quad 16 \quad 7\frac{1}{2} \end{array}$

10. Multiply 36,758*l*. 17*s*. 5 $\frac{1}{2}$ *d*. by 7.

11. Multiply 1,563*l*. 17*s*. 9 $\frac{3}{4}$ *d*. by 357.

12. Divide 20,954*l*. 17*s*. 6 $\frac{1}{2}$ *d*. by 9.

13. Divide 13,854*l*. 11*s*. 5*d*. by 158.

[Civil Service Examination, 30th June 1855.]

B.

ELEMENTARY.

1. Add together $\begin{array}{r} 754328 \\ 608766 \\ 599735 \\ 476819 \\ 265486 \\ 489268 \end{array}$

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ARITHMETIC.

2 From 2 0 3 6 9 7 5 2 3 1
take 8 7 6 2 5 7 9 8

2. Multiply 567039884276 by 8.
4. Multiply 403692158 by 396.
5. Divide 5802476484 by 6.
6. Divide 294683125 by 865.

	£	s.	d.
7. Add	3 4 1	16	8 $\frac{1}{2}$
	7 6 8	11	0 $\frac{1}{4}$
	2 7 9	8	9
	7 9 3	17	5 $\frac{3}{4}$
	4 7 6	4	10 $\frac{1}{2}$
	5 4 2	11	7 $\frac{1}{4}$

	£	s.	d.
8. From	4 1 0 3 2	7	2 $\frac{1}{4}$
take	3 7 8 4 9	15	7 $\frac{1}{2}$

9. Multiply 25,841*l.* 16*s.* 5 $\frac{1}{4}$ *d.* by 7.
10. Multiply 1,854*l.* 7*s.* 7 $\frac{1}{2}$ *d.* by 465.
11. Divide 85,432*l.* 19*s.* 11 $\frac{1}{2}$ *d.* by 7.
12. Divide 27,543*l.* 12*s.* 4*d.* by 352.
13. A person having 5,704*l.* 18*s.* 4 $\frac{1}{2}$ *d.* lays out one third in goods, which he sells for 2,316*l.* 5*s.* 10*d.*, how much has he at last, and how much has he gained.
*14. At what o'clock does the sun set when it rises at 4*h.* 16*m.* 8*s.*?

[Civil Service Examination, 12th July 1855.]

C.

ELEMENTARY.

1. Add together—

3 7 2 9 8 4 1 3 7
2 7 6 5 9 4 3 0
1 5 0 9 3 2 1 6 9
4 5 9 1 0 0 3
2 1 0 8 2 8 8 8
1 7 6 9 3 4 2 1 9

2. Add—

£	s.	d.
3 2 0 9	10	11 $\frac{1}{4}$
7 7	13	5
1 9 3	1	7
1 6	8	9
4 2 1 8	0	10 $\frac{3}{4}$
1 0 7	6	9 $\frac{1}{2}$
3 9 9 9	1	1 $\frac{1}{4}$

3. From 5 0 3 4 9 1 0 0 1 6 2
take 2 1 6 5 7 0 0 0 3 9 8

	£	s.	d.
4. From	1 9 8 1 3	7	7 $\frac{1}{2}$
take	2 0 0 9	6	10 $\frac{3}{4}$

5. Multiply 85001997 by 5.
6. Multiply 73299863 by 497.
7. Multiply 35,087*l.* 17*s.* 17 $\frac{1}{2}$ *d.* by 7.
8. Multiply 9,003*l.* 19*s.* 1 $\frac{1}{2}$ *d.* by 39.
9. Multiply 3,001*l.* 6*s.* 4 $\frac{1}{2}$ *d.* by 351.
10. Divide 2975069895 by 35.
11. Divide 628010082621 by 709.

* This question, which has, we believe, occasioned some comment, has been answered, in the way obviously intended, by waiters and by many other candidates to whom it was proposed.

12. Divide 89,075*l.* 13*s.* 6*d.* by 9.
13. Divide 713,202*l.* 13*s.* 4*d.* by 576.
14. Write down in figures:—
 - (1) Nine million ten thousand and nineteen.
 - (2) Five thousand and six million eight thousand and ninety-four.
15. How many yards of paper (one yard wide) are required to paper a room 15 feet long, 12 feet wide, and 10 feet high?
16. How many days were there between the 3d June 1850, and the 3d March 1855, both inclusive?
17. If the telegraph posts are known to be 66 yards apart and one is observed to pass the window every three seconds, how many miles an hour is the train travelling?

D.

Reduction.

1. Reduce 375 cwts., 2 qrs., 1 st., 13 lb., to ounces.
2. Reduce 36 miles, 3 furlongs, 36 poles, 5 yards to feet.
3. How often will a wheel $3\frac{1}{4}$ yards in circumference turn between London and York, the distance being 198 miles?
4. How many pounds of silver are there in 270 spoons, each of which weighs 1 oz., 13 dwts., 8 grs.?
5. How many seconds are there in 35 d., 8 h., 48 m., 29 sec.?
6. How many square yards, feet, and inches are there in the top of a table the sides of which are 21 ft. $7\frac{1}{2}$ in. and 19 ft. 5 in.?
7. How many solid yards, feet, and inches are there in 175,983 solid inches?

Proportion.

8. If 59*l.* 10*s.* will buy 25 cwts. 2 qrs. of sugar, what quantity will 6*l.* 14*s.* 2*d.* buy?
9. If the penny loaf weighs 5 ounces when wheat is at 62 shillings the quarter, what ought it to weigh when wheat is 64*s.* the quarter?
10. If by paying down 70*l.* 17*s.* 6*d.* a person becomes entitled to 2*l.* 9*s.* 7*d.* a year, what income should he gain by paying 2,151*l.* 17*s.* 8*d.* in the same way?
11. If a tax on an income of 1,132*l.* amount to 125*l.* 1*s.* $5\frac{1}{4}$ *d.*, what is that in the pound?
12. If the carriage of 107 cwt. 10 lbs. cost 37*l.* 9*s.* $7\frac{1}{2}$ *d.*, what would the carriage of a ton cost?
13. If 24 men working 8 hours a day can build a house in 70 days, in how many days might it be built by 42 men working 10 hours a day?

Practice.

14. Find the value of 373 at 2*l.* 16*s.* $10\frac{1}{4}$ *d.*
15. What is the rent of 67 acres of land for 2 years, 9 months, 11 days, the yearly rent of an acre being 2*l.* 5*s.*?
16. Find the value of 9 tons, 4 cwt., 3 qrs., 21 lbs., at 14*l.* 15*s.* 9*d.* per ton.
17. Find the price of $217\frac{1}{4}$ yds. of lace at 2*l.* 17*s.* $7\frac{1}{2}$ *d.* per yard.
18. What is the price of 329 yds., 3 qrs., 2 nls. at 5*s.* $2\frac{1}{2}$ *d.* per quarter?
19. What is the dividend on 2,734*l.* 16*s.* 8*d.* at 9*s.* $4\frac{1}{2}$ *d.* in the pound?

Interest.

20. Find the interest on 1,257*l.* 15*s.* for $5\frac{3}{4}$ years at 4 per cent. per annum.
21. Find the interest on 194*l.* at 5 per cent. per annum from the 3d of March to the 18th of December following.
22. At what rate per cent., simple interest, will 951*l.* 7*s.* 6*d.* amount to 1,141*l.* 13*s.* in five years?
23. Find the discount on 594*l.* 14*s.* 9*d.* due 8 months hence at $5\frac{3}{4}$ per cent. simple interest?
24. When the Three per Cents. are at 85*l.* 17*s.* 6*d.* what is the rate of interest?
25. Find the amount of 225*l.* for 3 years at 4*l.* per cent. compound interest.

Vulgar Fractions.

26. Add together $\frac{2}{3}$, $\frac{3}{7}$, $\frac{1}{11}$, and $\frac{2}{13}$ of $\frac{1}{4}$, and subtract the result from $3\frac{2}{3}$.
27. Multiply $\frac{3}{7}$ of $\frac{1}{11}$ of 15 by $\frac{1}{13}$ of $12\frac{2}{3}$.
28. What number multiplied by $\frac{3}{4}$ will give $15\frac{3}{4}$ as the product?
29. If $\frac{2}{3}$ of a quarter of wheat cost 54*s.*, what will be the price of $\frac{1}{3}$ of a bushel?
30. What fraction of half-a-crown is $\frac{3}{8}$ ths of 6*s.* 8*d.*?
31. Add together $3\frac{3}{4}$ pounds, $9\frac{3}{4}$ shillings, and $2\frac{3}{4}$ pence.

Decimal Fractions.

32. Add together '130055, 900, 57'1, 13'34 and '00000397, and subtract the result from 1314'9.
33. Multiply 95'376 by '0283.
34. Divide 16 by '2, and the result by '0002.

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ARITHMETIC.

35. Express $\frac{241}{15424}$ as a decimal.
36. Reduce 8s. $11\frac{1}{4}d.$ to the decimal of a guinea.
37. Add together '3211 of a guinea, $\frac{3}{8}$ ths of a crown, and '6925 of a shilling, expressing the result as a decimal of a pound.

E.

Reduction.

1. Reduce 527l. 16s. $8\frac{1}{2}d.$ to farthings.
2. Reduce 47 cwt. 1 qr. 16 lbs. 2 oz. to drams.
3. Reduce 13 lbs. 7 oz. 16 grs. to grains.
4. How many square yards, &c., are there in a table 6 ft. 8 in. long by 4 ft. 9 in. broad?
5. In 1,847,638 inches, how many miles, &c.?
6. Reduce 138,297 cubic inches to yards.

Proportion.

7. Find the amount of Income tax on 875l. 15s. at 14d. in the £.
8. If a rental of 8,050l. per annum be charged with a land tax at 11l. 5s. per 100l., what will be the net income?
9. A coach goes from London to Liverpool, at the rate of 9 miles per hour, in 24 hours; in what time would the distance be traversed by a train moving at the rate of 32 miles per hour?
10. A besieged town containing 22,400 inhabitants has provisions for 3 weeks; how many must be sent away that they may be able to hold out 7 weeks?
11. If 5 men receive 18l. 15s. wages for 12 weeks, what will be the wages of 16 men for 20 weeks?
12. If 6 iron bars 4 ft. long, 3 in. broad, and 2 in. thick, weigh 288 lbs., how much will 15 weigh each $6\frac{1}{2}$ ft. long, 4 in. broad, and 3 in. thick?

Practice.

13. Find the value of 373 at 9s. $7\frac{3}{4}d.$
14. Find the value of 821 at 13s. $10\frac{3}{4}d.$
15. Find the value of 3 lbs. 5 oz. 14 dwts. 12 grs. at 17s. 6d. per oz.
16. What is the dividend on 2468l. at 15s. 6d. in the 1l.?
17. What is the expense of digging a ditch of which the solid content is 5755 cubic yards, at the rate of 15s. $7\frac{3}{4}d.$ per yard?
18. Find the value of 136 at 1l. 7s. 2d.

Interest.

19. Find the interest on 4000l. for 9 months at 5 per cent., less income tax at 14d. in the £.
20. Find the interest on 1158l. 17s. 6d. for 1 yr. 115 d. at $2\frac{1}{2}$ per cent.
21. What sum of money put out to interest for 6 yrs. at $3\frac{1}{2}$ per cent. will amount to 259l. 7s. 5d.?
22. At what rate will the interest on 4127l. 10s. amount to 92l. 17s. $4\frac{1}{2}d.$ in a year?
23. What sum will amount to 45l. 0s. $9\frac{3}{4}d.$ in a year at $6\frac{1}{2}$ per cent.?
24. Find the compound interest on 364l. for 3 years at $3\frac{1}{4}$ per cent.?

Vulgar Fractions.

25. Reduce $\frac{7}{9} \frac{4}{9} \frac{4}{9}$ to its lowest terms.
26. Add together $\frac{1}{4}$, $\frac{5}{12}$, $\frac{7}{15}$, $\frac{7}{20}$.
27. Find the value of $\frac{2}{7}$ of $\frac{5}{11}$ of $5\frac{1}{2} \div 2\frac{1}{3}$.
 $\frac{4}{9}$ of $\frac{3}{15} \div 8\frac{2}{3}$.
28. Find the value of $\frac{2}{3}$ of £ + $\frac{2}{7}$ of 2l. 10s. 2d. + $2\frac{1}{3}$ of 16s.
29. Reduce 7l. 9s. 6d. to the fraction of 13l. 4s. 6d.
30. Divide the sum of $\frac{2}{3}$ of 3l. 7s. 6d. and $\frac{1}{6}$ of $4\frac{1}{2}$ guineas by $10\frac{5}{8}$.
31. A ship is worth 16,000l., and a person possessed of $\frac{5}{16}$ of it, sells $\frac{3}{8}$ of his share; what share has he remaining, and what is it worth?

Decimals.

32. Add together 35'2176, 201'00541, 3'1482, '054, 216'945, 7543'4.
33. From 3017'215 take 5'7124.
34. Multiply 5412'384, by 1'0023.
35. Divide 21546'872, by '0542.
36. Reduce $\frac{5}{84}$ and $\frac{1}{14}$ to decimals.
37. Reduce 23'038125, and '0006875 to vulgar fractions.
38. Reduce $\frac{5}{8}$ of a crown to the decimal of 21s.
39. Reduce $6\frac{2}{3}$ cwt. to the decimal of a ton.
40. Reduce '135, and '01236 to vulgar fractions.

F.

Reduction.

1. Reduce 63 cwt. 2 qrs. 5 oz. to drams.
2. Reduce 14 lbs. 11 oz. 11 grs. to grains.
3. Reduce 496 sq. yards 2 sq. ft. to inches.
4. How many half-crowns are there in 83,645 dollars, each worth 4s. 6d.?
5. How many miles, &c. are there in 3,126,749 inches?
6. Reduce 2,099,520 cubic inches to yards.

Proportion.

7. Find the amount of income tax on 945*l.* 17*s.* 6*d.* at 14*d.* in the *£*.
8. A bankrupt's effects amount to 2,548 guineas, and his debts to 3,057*l.* 12*s.*; what will his creditors receive in the pound?
9. How many yards of paper, 29 inches wide, will paper a room which is 22 feet 9 inches long, 17 feet 3 inches wide, and 9 feet 8 inches high?
10. If 5 men can do a piece of work in 27 days, how long would 6 men be in doing double the quantity?
11. If, when wheat is 11*s.* 3*d.* the bushel, the sixpenny loaf weighs 28 oz., how much should it weigh when wheat is 8*s.* the quarter?
12. If the carriage of 65 lb. for 120 miles costs 6*s.*, how much may I have carried 750 miles for a guinea?

Practice.

13. Find the value of 372 at 8*s.* 7½*d.*
14. Find the value of 19 cwt. 1 qr. 13 lbs. at 2*l.* 11*s.* 4*d.*
15. Find the value of 204 at 3*l.* 12*s.* 5*d.*
16. What is the dividend on 5,398*l.* at 14*s.* 3*d.* in the pound?
17. Find the value of 2 roods 19 poles 12 yards of land at 80*l.* 13*s.* 4*d.* per acre.
18. What must a person whose property is rated at 430*l.* 14*s.* contribute to a poor rate of 10*d.* in the pound?

Interest.

19. Find the interest on 3000*l.* for 8 months at 4 per cent., less income tax at 14*d.* in the *£*.
20. Find the interest on 260*l.* 10*s.* for 3½ years at 4½ per cent.
21. What sum of money put out to interest for 3½ years at 4 per cent. will amount to 296*l.* 8*s.*?
22. At what rate per cent. will 320*l.* amount to 360*l.* 16*s.* in 3 years?
23. In what time will 171*l.* 7*s.* 6*d.* amount to 217*l.* 1*s.* 6*d.* at 3½ per cent.?
24. Find the compound interest on 250*l.* for 2 years at 4 per cent. per annum, the interest being payable every half year.

Vulgar Fractions.

25. Reduce $\frac{2432}{774}$ to its lowest terms, and divide the result by $1\frac{1}{2}$.
26. Add together $\frac{3}{4} + \frac{2}{3} + \frac{1}{12} + \frac{5}{10} + \frac{1}{100}$ and subtract the result from $2\frac{1}{6}$.
27. Reduce $3\frac{1}{2}$ of $\frac{1}{3}$ of $\frac{2}{3}$ to a single fraction, and multiply it by $6\frac{2}{3}$.
28. Add together $\frac{2}{3}$ of a pound, $\frac{7}{10}$ of 2*l.* 10*s.* 3*d.*, and $3\frac{1}{3}$ of 14*s.*
29. Reduce 6 acres, 1 rood, 4 poles to the fraction of $2\frac{1}{2}$ roods.
30. If $\frac{3}{4}$ lb. cost 8*s.* 2*d.* what must I pay for $5\frac{1}{4}$ lb.?

Decimals.

31. Add together '004, 2'08, 314'6073, '19784, 10000, 90'4; and subtract the result from 21118'0116.
32. Multiply 41'018 by 200 and 1'02 by 3'067.
33. Multiply '671 by '42 and by '0420.
34. Divide 738'952716 by '07 and by 70.
35. Divide 69'814 by '00521 and by 52100.
36. Reduce $\frac{7}{8}$ of a half crown to the decimal of a guinea.
37. Reduce 2'0445 and '000625 to vulgar fractions.
38. Reduce $\frac{3}{32}$ and $\frac{1}{10}$ to decimals.
39. Reduce '144 and '34218 to vulgar fractions.

G.

Reduction.

1. How many francs at 9½*d.* each are there in 693*l.* 14*s.* 9*d.*?
2. Reduce 787,312 drams to cwts., quarters, &c.
3. Reduce 46 lbs. 3 oz. 2 dwts. 2 grs. to grains.
4. The area of a rectangular plot is 101 yds. 3 ft. 90 in., and the length is 36 ft. 9 in. Find the breadth.
5. How many feet are there in 9 miles 3 furlongs 6 poles 1 yard?
6. Reduce 657,918 cubic inches to yards, feet, and inches.

III.

Miscellaneous
Papers, used at
various
Examinations.

ARITHMETIC.

III.
Miscellaneous
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—
ARITHMETIC.
—

Proportion.

7. Find the income tax at 16*d*. in the pound on 1,405*l*. 15*s*. 11¼*d*.
8. Convert 44 lbs. 11 oz. 11 dwts. 16 grs. troy into avoirdupois weight, one pound avoirdupois being to one pound troy as 175 to 144.
9. The shares of a given railway are at 59½ when consols are at 93½. What should be their value when consols are at 71½?
10. If 49 men can do a piece of work in 130 days of 8 hours each, how many hours a day must 196 men work to do as much in 26 days?
11. If 3½ lbs. of sugar cost 2*s*., what will be the price of 54 cwt. 2 qrs. 7 lbs.?
12. A coach goes 9 miles in an hour, and a railway train goes 23 miles while the coach goes 11. How much time will be saved on a journey of 138 miles by taking the train instead of the coach?

Practice.

13. Find the value of 1001 at 8*s*. 7½*d*.
14. Find the value of 5 lbs. 9 oz. 7 dwts. 12 grs. of gold at 3*l*. 17*s*. 10*d*. an ounce.
15. Find the value of 197 at 4*l*. 12*s*. 5½*d*.
16. Find the value of 39 cwt. 1 qr. 20 lbs. at 6*l*. 2*s*. 6*d*. per cwt.
17. What is the dividend on 2485*l*. at 17*s*. 9½*d*. in the pound?
18. What will be the price of 35 acres 2 roods 30 poles at 30*l*. 1*s*. 8*d*. per acre?

Interest.

19. Find the interest at 4¼ per cent. on 1835*l*. 8*s*. 4*d*. lent on the 11th of March and repaid on the 4th of August, the former day being excluded and the latter included.
20. What sum of money put out at simple interest for 3 years at 4½ per cent. will amount to 1602*l*. 0*s*. 1½*d*.?
21. At what rate will the interest on 1270*l*. 18*s*. 9*d*. amount to 76*l*. 5*s*. 1½*d*. in two years?
22. In what time will 1337*l*. 12*s*. 1*d*. amount to 1698*l*. 15*s*. 1¾*d*. at 6 per cent. simple interest.
23. Find the discount on 1511*l*. 7*s*. 1*d*. payable 3¼ years hence at 4 per cent. simple interest.
24. Find the amount of 275*l*. at the end of 4 years at 5 per cent. compound interest.

Vulgar Fractions.

25. Reduce $\frac{2}{3} \frac{3}{4} \frac{0}{5} \frac{0}{6}$ to its lowest terms.
26. Add together $\frac{2}{3} + \frac{1}{5} + \frac{2}{15} + 1\frac{2}{3} + \frac{4}{105}$, and subtract the result from $3\frac{1}{15}$.
27. Reduce $\frac{1}{7}$ of $2\frac{1}{3}$ of $6\frac{7}{8} \div 4\frac{2}{5}$ to a simple fraction, and multiply the result by $1\frac{2}{3}$.
28. Add together $\frac{5}{12}$ of a pound, $\frac{2}{3}$ of a guinea, $\frac{4}{15}$ of a shilling, and $\frac{8}{15}$ of a halfpenny.
29. Reduce 8*l*. 9*s*. 3*d*. to a fraction of 21*l*. 12*s*. 9*d*., expressing the result in its lowest terms.
30. If $\frac{1}{15}$ of a cwt. be worth 4*l*. 19*s*. what will be the price of $\frac{2}{3}$ of a ton?

Decimals.

31. Add together '0003, 5'4, 325'7879, 63'45, 9470, and subtract 2139'05605 from the result.
32. Multiply 21'5839 by '00158.
33. Multiply '1356 by '1458.
34. Divide '121 by 11, by 110, and by '0011.
35. Divide 34'952 by 53'07, giving the first four figures of the quotient.
36. Express 8*s*. 1½*d*. as a decimal of a pound.
37. Express '00175 as a vulgar fraction in its lowest terms.
38. Reduce $\frac{2}{6} \frac{4}{0} \frac{2}{7} \frac{2}{5}$ to a decimal.
39. Reduce $\frac{1}{15}$ to a decimal, showing the whole of the circulating period
40. Reduce '1309 to a vulgar fraction in its lowest terms.

H.

Reduction.

1. How many francs at 9½*d*. each are there in 1734*l*. 6*s*. 10½*d*.?
2. Reduce 54 cwt. 3 qrs. 18 lbs. 14 oz. to drams.
3. How many pounds, &c. are there in 266,450 grains troy?
4. How many square yards are there in a rectangular plot the length of which is 36 ft. 9 in. and the breadth 24 ft. 10 in.?
5. How many feet are there in 18 miles 6 furlongs 12 poles 2 yards?
6. Reduce 986,877 cubic inches to yards, feet, and inches.

Proportion.

7. Find the income tax on 4,217*l*. 7*s*. 9¾*d*. at 16*d*. in the pound.
8. Convert 22 lbs. 5 oz. 15 dwts. 20 grs. troy into avoirdupois weight, one pound avoirdupois being to one pound troy as 175 to 144.
9. The shares of a given railway are at 44½ when consols are at 70½; what should be their price when consols are at 68¾?

10. If 780 men on full rations consume 91 quarters of wheat in 49 days, how many on half rations will consume 69 quarters in 9 days?
11. If 27 cwt. 1 qr. 3 lbs. 8 oz. of sugar cost 87*l.* 6*s.*, what will be the price of 7 lbs.?
12. If a coach travelling 9 miles an hour occupies 4 hours more than a railway train in a journey of 69 miles, what is the proportion between the rates of the coach and the train?

Practice.

13. Find the value of 1003 at 8*s.* 7½*d.*
14. Find the value of 11 lbs. 6 oz. 15 dwts. of gold at 3*l.* 17*s.* 10*d.* per ounce.
15. Find the value of 194 at 4*l.* 12*s.* 5½*d.*
16. Find the value of 3 tons 18 cwt. 3 qrs. 12 lbs. at 2*l.* 17*s.* 9*d.* per cwt.
17. What is the dividend on 4,970*l.* at 8*s.* 10¾*d.* in the pound?
18. Find the price of 25 acres 1 rood 10 poles at 42*l.* 2*s.* 4*d.* per acre.

Interest.

19. Find the interest at 4¾ per cent. on 1376*l.* 11*s.* 3*d.* lent on the 6th of April and repaid on the 30th of August, the former day being excluded and the latter included.
20. What sum of money put out at simple interest for 3 years at 4½ per cent. will amount to 1281*l.* 12*s.* 1*d.*?
21. At what rate will the interest on 635*l.* 9*s.* 4½*d.* amount to 38*l.* 2*s.* 6¾*d.* in two years?
22. In what time will 2675*l.* 4*s.* 2*d.* amount to 3397*l.* 10*s.* 3½*d.* at 6 per cent. simple interest?
23. Find the discount on 2267*l.* 0*s.* 7½*d.* payable 3¼ years hence at 4 per cent. simple interest.
24. Find the amount of 550*l.* at the end of 4 years at 5 per cent. compound interest.

Vulgar Fractions.

25. Reduce $\frac{6 \frac{2}{3} \frac{1}{2}}{9 \frac{2}{3} \frac{1}{2}}$ to its lowest terms.
26. Add together $\frac{1}{3} + \frac{2}{7} + \frac{1}{5} + 1\frac{1}{11} + \frac{9}{77}$, and subtract the result from $2\frac{1}{6}$.
27. Reduce $\frac{1}{8}$ of $2\frac{3}{5}$ of $15\frac{3}{4} \div 16\frac{3}{7}$ to a simple fraction, and multiply the result by $6\frac{7}{8}$.
28. Add together $\frac{2}{7}$ of a pound, $\frac{3}{8}$ of a guinea, $\frac{9}{56}$ of 6*s.* 8*d.*, and $\frac{1}{14}$ of half a crown.
29. Reduce 5*l.* 16*s.* 4*d.* to a fraction of 16*l.* 8*s.* 8*d.*, expressing the result in its lowest terms.
30. If $\frac{2}{5}$ of an ounce troy be worth 5*s.* 10*d.*, what will be the price of $\frac{9}{16}$ of a pound troy?

Decimals.

31. Add together 5·3, '00015, 643'8797, 62'09, 1035; and subtract 109'000365 from the result.
32. Multiply 32'598 by '00037.
33. Multiply '0423 by 32'7.
34. Divide '169 by 13, by 130, and by '0013.
35. Divide 3'785 by 21'24, giving the four first figures of the quotient.
36. Express 7*s.* 3¾*d.* as the decimal of a pound.
37. Express '00325 as a vulgar fraction in its lowest terms.
38. Reduce $\frac{7 \frac{2}{3} \frac{9}{10}}{1 \frac{1}{4} \frac{1}{5} \frac{9}{10}}$ to a decimal.
39. Reduce $\frac{3 \frac{6}{7} \frac{1}{5}}{2 \frac{1}{2} \frac{1}{3}}$ to a decimal, showing the whole of the circulating period.
40. Reduce '18153 to a vulgar fraction in its lowest terms.

I.

(Time allowed 3½ hours.)

1. You are requested to write your name at the top of each of your papers, to put the number to each question, and to send up the working as well as the answers.
2. Two questions at least under each head in this paper should be answered correctly in the time allowed

Reduction.

1. Reduce 13 miles 5 furlongs 171 yards 2 feet to inches.
2. How many miles, furlongs, &c. are there in 247,391 inches?
3. Reduce 4 tons 17 cwts. 3 qrs. 11 lbs. 6 oz. to oz.
4. How many lbs., oz., &c. are there in 174,283 grains troy?
5. Reduce 7 weeks 3 days 21 hours 4 minutes 17 seconds to seconds.
6. Reduce 9*l.* 19*s.* 11¾*d.* to farthings.

Proportion.

7. Find the value of 14 cwt. 3 qrs. 17 lbs. of sugar at 2*l.* 17*s.* per cwt.
8. Gold of the value of 423,284*l.* arrives from Australia, what is its weight, the price being 3*l.* 18*s.* per oz.?
9. When the income tax was 7*d.* in the pound, a person paid 24*l.* 7*s.* 6*d.*; what additional sum does he pay now that the income tax is 16*d.* in the pound?

III.
Miscellaneous
Papers, used at
various
Examinations.

ARITHMETIC.

III.
Miscellaneous
Papers, used at
various
Examinations.
—
ARITHMETIC.

10. The price of consols is $88\frac{3}{8}$; how many railway shares, the market price of which is 8*l.* 15*s.*, can be purchased for 1,000*l.* consols?
11. The rates of the express and mail trains on a railway are 40 and 28 miles per hour respectively: what time is saved by taking the faster train for a journey of 192 miles?
12. If 21 men take 8 days to dig 20 acres, how many acres will 16 men dig in 12 days?

Practice.

13. Find the value of 473 pounds of coffee at 1*s.* $5\frac{1}{2}$ *d.* per pound.
14. Find the value of 27 cwt. of sugar at 2*l.* 18*s.* per cwt.
15. Find the value of 13 cwt. 3 qrs. 17 lbs. of tea at 22*l.* 8*s.* per cwt.
16. Find the value of $132\frac{1}{2}$ tons of iron at 7*l.* 15*s.* 6*d.* per ton.
17. Find the cost of 11 miles 3 furlongs 55 yards of railway at 32,500*l.* per mile.
18. Find the cost of 716 acres at 44*l.* 11*s.* $3\frac{1}{4}$ *d.* per acre.

Interest.

19. Find the interest on 1,250*l.* in $7\frac{1}{2}$ years at $3\frac{1}{4}$ per cent.
20. Find the amount of 322*l.* 13*s.* for $10\frac{1}{4}$ years at $3\frac{1}{2}$ per cent. simple interest.
21. Find the discount on 1,450*l.* 10*s.* paid 2 months before it is due at 5 per cent.
22. At what rate will the interest on 1,250*l.* for 5 years amount to 265*l.* 12*s.* 6*d.*
23. Required the present value of 430*l.* due 4 months hence at 4 per cent. per annum.
24. Find the amount of 240*l.* in 4 years at 3 per cent. compound interest.

Vulgar Fractions.

25. Add together $\frac{3}{5}$, $\frac{4}{7}$, $\frac{2}{10}$, and $\frac{1}{15}$, and divide the result by $7\frac{1}{5}$.
26. Reduce $\frac{2}{3}\frac{3}{4}\frac{1}{5}$ to its lowest terms.
27. Find the value of $\frac{2}{3}$ of $\frac{5}{8}$ + $\frac{2}{7}$ of $\frac{1}{3}$ of a shilling.
28. What is the value of $\frac{2}{3}$ of a guinea?
29. What fraction of a pound is 9*s.* 10*d.*?
30. Reduce $\frac{3}{4}$ of half a crown to the decimal of a pound, and find the value of '8473 of a cwt.

Decimals.

31. Multiply 3'05 by '25, and '32 by '231.
32. Divide 721'42 by 21'9 to 4 places of decimals.
33. Divide '1 by '001 and the quotient by '2.
34. Reduce $\frac{2}{3}\frac{1}{5}$ to a decimal.
35. Reduce $\frac{3}{4}$ to a decimal, giving the whole of the circulating period.
36. Express '0125 as a vulgar fraction in its lowest terms.
37. Multiply $\frac{3}{4}$ by $\frac{2}{3}$, and express the product as a circulating decimal.

K.

(Prepared for a competitive Examination.)

1. Reduce 344612 ounces avoirdupois to cwts., quarters, &c., and 13 lbs. 9 oz. 15 dwts. 13 grains troy, to grains.
2. How many feet are there in 5 miles, 3 furlongs, 4 poles, 3 yards?
3. The side of a cube is 17 inches: find its content in solid yards, feet, and inches.
4. The sides of a rectangular plot are 57 ft. 7 in. and 43 ft. 5 in.: find its area in square yards, feet, and inches.
5. If A invests 33,075*l.* in the purchase of 3*l.* per cent. at $87\frac{1}{2}$, and B invests the same sum in the purchase of 4*l.* per cent. at $94\frac{1}{2}$, what will be the difference in their net incomes, after deducting income tax at 16*d.* in the pound?
6. If $\frac{1}{3}$ of a cwt. be worth 7*l.* 3*s.*, what will be the value of $\frac{1}{11}$ of a ton?
7. If the shares of a railway are at $76\frac{1}{2}$ when consols are at $93\frac{1}{2}$, what should be their price when consols are at $89\frac{1}{4}$?
8. Find by the method of "Practice":
(a) the price of 9 tons, 11 cwt. 2 qrs. 21 lbs. at 10*l.* 11*s.* 4*d.* per cwt.
(b) the price of 17 acres, 3 roods, 15 poles, at 60*l.* 3*s.* 4*d.* per acre.
9. If 780 men on full rations consume 221 quarters of wheat in 119 days, how many on half rations will consume 437 quarters in 57 days?
[Explain the method by which you proceed.]
10. If 10 lbs. 3 oz. of tea at 4*s.* 8*d.* per pound be mixed with 23 lbs. 3 oz. at 5*s.* 4*d.*, and 17 lbs. 11 oz. at 6*s.* 8*d.*, and the mixture be sold at 6*s.* 1*d.* per pound, what will be the gain or loss? and what the gain or loss per cent. on the cost price?
11. Find the interest at $4\frac{3}{4}$ per cent. on 924*l.* 12*s.* 8*d.* lent on the 18th of March and repaid on the 11th of August, the former day being excluded and the latter included.
12. What principal lent at $3\frac{1}{2}$ per cent. simple interest will amount in 5 years to 1,884*l.* 19*s.* $10\frac{1}{2}$ *d.*?
13. What will be the amount of 825*l.* at the end of 2 years at 4*l.* per cent. per annum compound interest accruing due half yearly?
14. Reduce to their simplest forms the expressions—
(a) $\frac{1}{7} + \frac{3}{11} + \frac{1}{13} - \frac{5}{10}\frac{8}{11}$.
(b) $\frac{9}{11}$ of $6\frac{1}{3}$ of $14\frac{1}{10}$ divided by $\frac{1}{17}$ of 299 $\frac{1}{5}$.
(c) $\frac{2}{7}$ of a pound + $\frac{1}{147}$ of a guinea + $\frac{9}{8}\frac{1}{10}$ of 6*s.* 8*d.* + $\frac{6}{83}$ of a crown.

15. Explain the rules for the multiplication and division of decimals—
Divide '015 by '00005, and 313'24 by 24997'5; showing in the latter case the whole of the circulating portion.
16. Express '378216 as a vulgar fraction in its lowest terms.
17. Express 7s. 10½d. as the decimal of a pound, and find the value of '03234 of a guinea.
18. Extract the square root of 49660209; also that of 7'0032 to four places of decimals.
19. Find by any rule with which you are acquainted the sum which paid one year hence will be an equivalent for 200*l.* due now and 600*l.* due at the end of two years, the rate of interest being 5*l.* per cent.
20. Reduce to their simplest form the expressions,—
(a) $\frac{x+y}{x-y} + \frac{x-y}{x+y}$
 $\frac{x+y}{x-y} - \frac{x-y}{x+y}$
(b) $(x-3y)(x+y) - (x-2y)(x+3y) + (x-y)(x+5y) - x^2 + 2y^2$.
21. Find the greatest common measure of $x^4 + x^3y - 2x^2y^2 + xy^3 - y^4$, and $x^3 - 6x^2y + 11xy^2 - 6y^3$.
22. Write down the expansion of $(x+y)^6$. How many terms are there in the expansion of $(x+y)^{100}$?
23. Extract the square roots of $14 + 6\sqrt{5}$ and $1 + 4\sqrt{-3}$.
24. Solve the equations
(a) $\frac{x-2}{11} + \frac{3x-22}{17} + \frac{x-3}{5} = 4$.
(b) $\begin{cases} x + 13y - \frac{8x-12y}{5} = 29. \\ 7x - 2y - \frac{2x-y}{4} = 16. \end{cases}$
(c) $3x^3 - \frac{x}{7} = 146$.
(d) $2x^2 + 3x + \sqrt{2x^2 + 3x + 16} = 74$.
25. A traveller sets out to walk from A to B at 4 miles an hour. One hour later another traveller sets out from B towards A at 3½ miles an hour; when they meet the first has walked 6 miles more than the second. Find the distance from A to B.
26. Sum the Arithmetical Progression 1 + 5 + 9 + ... to 15 terms; and the Geometric Progression $1 + \frac{1}{5} + \frac{1}{5^2} + \dots$ to *n* terms and *ad infinitum*.

III.

Miscellaneous
Papers, used at
various
Examinations.

ARITHMETIC.

ADDITION.											
£	s.	d.				£	s.	d.			
			Brought } forward- }						Brought } forward- }		
134	6	6				211	6	8			
232	1	11 $\frac{1}{4}$				7743	13	3 $\frac{1}{4}$			
1067	17	9 $\frac{1}{2}$				9671	11	9 $\frac{1}{2}$			
4032	12	1				14376	15	10 $\frac{1}{4}$			
6149	13	2 $\frac{1}{2}$				2371	11	9			
2347	15	6 $\frac{3}{4}$				1473	6	8 $\frac{1}{2}$			
1279	8	7 $\frac{1}{2}$				1358	7	9 $\frac{3}{4}$			
6401	3	2 $\frac{1}{4}$				6408	13	10 $\frac{1}{2}$			
752	15	3 $\frac{1}{2}$				1481	15	1 $\frac{1}{2}$			
1778	3	10 $\frac{1}{2}$				016	13	2 $\frac{3}{4}$			
4436	13	11 $\frac{1}{2}$				40168	15	3 $\frac{1}{2}$			
5016	18	2				1018	16	2 $\frac{3}{4}$			
631	7	7 $\frac{1}{4}$				691	13	3 $\frac{3}{4}$			
46	3	6 $\frac{3}{4}$				1414	12	4			
1287	14	7 $\frac{1}{2}$				3003	9	2 $\frac{1}{2}$			
5036	12	1 $\frac{1}{2}$				8756	14	9 $\frac{1}{2}$			
147	0	6 $\frac{3}{4}$				56	4	10 $\frac{3}{4}$			
360	5	5				616	3	7 $\frac{1}{2}$			
1379	17	2 $\frac{3}{4}$				1189	2	3 $\frac{3}{4}$			
9	9	10 $\frac{1}{2}$				401	3	6 $\frac{1}{2}$			
1340	16	9 $\frac{1}{4}$				7116	15	7 $\frac{3}{4}$			
906	10	7 $\frac{1}{2}$				106	13	6			
4444	11	2									
Carried forward }			Carried forward }			Total -					

It is important the addition should be quite correct.

III.
Miscellaneous
Papers, used at
various
Examinations.
—
ARITHMETIC.

ADDITION.

£	s.	d.	Brought } forward- }	£	s.	d.	Brought } forward- }	£	s.	d.
134	6	6						1211	6	7 $\frac{1}{2}$
232	1	11 $\frac{1}{4}$		211	6	8		3144	18	9 $\frac{1}{2}$
1067	17	9 $\frac{1}{2}$		7743	13	3 $\frac{1}{4}$		4135	11	10 $\frac{3}{4}$
4032	12	1		9671	11	9 $\frac{1}{4}$		163	9	11 $\frac{1}{2}$
6149	13	2 $\frac{1}{2}$		14376	15	10 $\frac{1}{4}$		9016	10	3 $\frac{1}{2}$
2347	15	6 $\frac{3}{4}$		2371	11	9		6140	7	8 $\frac{3}{4}$
1279	8	7 $\frac{1}{2}$		1473	6	8 $\frac{1}{2}$		109	19	10
6401	3	2 $\frac{1}{4}$		1358	7	9 $\frac{3}{4}$		4321	18	9 $\frac{1}{2}$
752	15	3 $\frac{1}{2}$		6408	13	10 $\frac{1}{2}$		40071	8	7
2463	1	2 $\frac{1}{2}$		106	2	2		3412	7	4 $\frac{1}{2}$
6471	2	3 $\frac{1}{4}$		2759	11	8 $\frac{1}{4}$		732	0	0
5016	18	2		40168	15	3 $\frac{1}{2}$		8146	11	9 $\frac{1}{2}$
631	7	7 $\frac{1}{4}$		1018	16	2 $\frac{3}{4}$		1140	15	6 $\frac{3}{4}$
46	3	6 $\frac{3}{4}$		691	13	3 $\frac{3}{4}$		6678	13	6 $\frac{1}{4}$
1287	14	7 $\frac{1}{2}$		1414	12	4		7709	14	7 $\frac{3}{4}$
5036	12	1 $\frac{1}{2}$		3003	9	2 $\frac{1}{2}$		5618	15	5 $\frac{1}{2}$
147	0	6 $\frac{3}{4}$		8756	14	9 $\frac{1}{2}$		7731	11	11 $\frac{1}{2}$
360	5	5		56	4	10 $\frac{3}{4}$		6549	3	3 $\frac{3}{4}$
1379	17	2 $\frac{3}{4}$		616	3	7 $\frac{1}{2}$		7530	4	4 $\frac{1}{2}$
9	9	10 $\frac{1}{2}$		1189	2	3 $\frac{3}{4}$		5811	5	5 $\frac{3}{4}$
1340	16	9 $\frac{1}{4}$		401	3	6 $\frac{1}{2}$		756	2	2 $\frac{1}{2}$
906	10	7 $\frac{1}{2}$		7116	15	7 $\frac{3}{4}$		13	3	9 $\frac{3}{4}$
4444	11	2		106	13	6				
Carried } forward }				Carried } forward }				Total -		

It is important the addition should be quite correct.

WEIGHTS AND MEASURES.

- Write out the tables of—
Avoirdupois weight.
Troy weight.
Long measure.
Cloth measure.
Wine measure.
Dry measure.
- In miles, furlongs, poles, yards, how many feet?
- In lbs. avoirdupois weight, how many tons, cwt., and qrs.?
- In lbs., oz., dwts., grs., troy weight, how many grains?
- In a table the sides of which are ft. in., and ft. in., how many square yards, feet, and inches?

IV.
Papers set by
Officers of Customs,
Excise, &c.
—
ARITHMETIC.

IV.

PAPERS set by OFFICERS of CUSTOMS, EXCISE, and POST OFFICE for
local EXAMINATIONS conducted under the AUTHORITY of the
CIVIL SERVICE COMMISSIONERS.

A LIST of QUESTIONS given to Mr. _____ nominated to be an EXTRA CLERK
at NEWCASTLE.

Single Proportion Direct.

- A wedge of gold weighing 14 lb. 3 oz. 8 dwts. cost 514*l.* 4*s.*, required the rate per ounce.
- Required, the cost of 17 hogsheads of tobacco, each weighing 11 cwt. 2 qrs. 19 lbs., at 19*l.* 8*s.*, per cwt.?

Single Proportion Inverse.

- If a pasture can maintain 7 horses 6 weeks, how long can it maintain 35 horses?
- If 100*l.* gain 10*l.* in 12 months, how much will gain the same in 9 months?

Double Proportion.

- (5.) If 100*l.* in 12 months gain 7*l.* interest, what is the interest of 571*l.* for 6 years?
 (6.) If 939 men consume 351 quarters of wheat in 168 days, how many will consume 1404 quarters in 56 days?

Profit and Loss.

- (7.) By selling cloth at the rate of 12*s.* per yard, 15*l.* per cent. was gained, what per cent. would be gained when it was sold at the rate of 10*s.* 6*d.* per yard?
 (8.) Silk sold at 12*s.* 6*d.* per yard gained 7*l.* 10*s.* per cent., what did it cost per yard?

Vulgar Fractions.

Add the following:

- (9.) $\frac{3}{4}$, $\frac{2}{7}$, and $\frac{5}{8}$.
 (10.) $\frac{3}{4}$ ths of a pound to $\frac{5}{8}$ ths of a shilling.

Deduct the following:

- (11.) From $\frac{5}{8}$ take $\frac{3}{4}$ ths of $\frac{5}{8}$ ths.
 (12.) From $\frac{1}{6}$ th of a yard take $\frac{2}{3}$ rds of an inch.

Multiply the following:

- (13.) $\frac{1}{4}$ of $\frac{3}{8}$ by $\frac{5}{7}$ ths.
 (14.) $\frac{3}{4}$ of 9 by $\frac{7}{8}$ ths.

Divide the following:

- (15.) $\frac{1}{4}$ by $\frac{3}{8}$.
 (16.) $\frac{1}{18}$ by $4\frac{1}{2}$.

Decimal Fractions.

Add the following, and bring them to their proper values:

(17.)	£	(18)	Tons.
	4785·321		576·098
	547·9		88·47
	643·198		694·321
	599·97		745·879
	654·099		33·4
	9·9		7·9
	584·498		654·54
	337·87		89·785
	4679·3		547·678
	944·32		99·785

Multiply the following and bring them to their proper values:

- (19.) 54·32*l.* by 4·7.
 (20.) 5987 cwts. by ·99.

Divide the following and bring them to their proper values:

- (21.) 880·7643*l.* by 5·48.
 (22.) 476·532 tons by 60.

SUMS given to _____, to be worked on his EXAMINATION for the OFFICE
 of TIDEWAITER.

- (1.) Add 367,443; 52421; 1671; 2596; 924; 34853; 684; 24835; 87; and 72 together.
 (2.) Add 491*l.* 16*s.* 9*d.*, 272*l.* 15*s.* 6½*d.*, 889*l.* 17*s.* 10½*d.*, 647*l.* 19*s.* 2¾*d.*, 398*l.* 16*s.* 7*d.*, 563*l.* 16*s.* 10¼*d.*, 770*l.* 0*s.* 5¾*d.*, 945*l.* 17*s.* 7*d.*, 240*l.* 13*s.* 9¼*d.*, and 150*l.* 10*s.* together.
 (3.) Subtract 868704368 from 7648200069.
 (4.) Subtract 169 lbs. 6 oz. 14 dwts. 17 grs. from 187 lbs. 9 oz. 12 dwts. 20 grs.
 (5.) Multiply four millions, forty-nine thousand and three, by thirty-six thousand and twenty-nine.
 (6.) Multiply 49 tons 13 cwt. 2 qrs. 26 lbs. 10 oz. 7 dwts. by 9.
 (7.) Divide 5946784379 by 492.
 (8.) Divide 467 tons 3 hhd. 26 galls. 2 qrts. 1 pint by 5.
 (9.) In 34 lbs. 10 oz. 12 dwts. 16 grs. troy, how many grains?
 (10.) In 2,160,000 cubic inches, how many loads of hewn timber?
 (11.) Reduce 159 quarters of corn to quarts.
 (12.) In 4005 deals how many great hundreds?
 (13.) In 150,000 eggs how many gross?
 (14.) In 50 acres how many square inches?
 (15.) In 3 leagues how many inches?
 (16.) Reduce 564 English ells to nails.

(Signed)

Custom House, Hartlepool,
 29th November 1855.

				Division.	
Divide	821 <i>l.</i>	17 <i>s.</i>	9 $\frac{3}{4}$ <i>d.</i>	by 4.	Answer £
"	227 <i>l.</i>	10 <i>s.</i>	5 <i>d.</i>	by 11.	" £
"	85 <i>l.</i>	6 <i>s.</i>	0 <i>d.</i>	by 72.	" £

Reduction.

In 6169 pence how many pounds? *Answer* £
 In 35 guineas how many farthings? *Answer* £
 How many fourpenny-pieces in 37,689 shillings?
 In 2,470*l.* how many crowns?
 How many half-sovereigns in 7,642 guineas?

Practice.

846	@ $\frac{3}{4}$ <i>d.</i>	Answer £
352	@ 1 $\frac{1}{2}$ <i>d.</i>	" £
876	@ 8 $\frac{1}{2}$ <i>d.</i>	" £
969	@ 19 <i>s.</i> 11 $\frac{1}{2}$ <i>d.</i>	" £
137	@ 1 <i>l.</i> 17 <i>s.</i> 6 $\frac{1}{4}$ <i>d.</i>	" £

Rule of Three.

What is the value of 19 $\frac{1}{2}$ chaldrons of coals at 1*l.* 11*s.* 6*d.* per chaldron? £
 At 10 $\frac{1}{2}$ *d.* per pound, what is the value of a firkin of butter containing 56lbs.? £
 A bankrupt owes 4,968*l.*; he has only money sufficient to pay 9*s.* 7*d.* in the pound;
 how much money has he to pay his debts? £
 If 100 men can finish a work in 12 days, how many men are sufficient to do the same
 in 3 days?
 What is the half year's rent of 547 acres of land at 15*s.* 6*d.* an acre.
 Write down in figures
 1. Two millions, five thousand and eighty-seven.
 2. Four hundred and sixty one thousand and one.
 3. Twenty-seven millions, seven hundred and six.

Addition.

(4)	£	s.	d.	(5)	Mil.	furs.	pers.	yds.
	366	13	4 $\frac{1}{4}$		67	3	14	2
	78	19	2 $\frac{1}{2}$		19	6	4	1
	942	16	8 $\frac{3}{4}$		3	1	6	2
	1268	17	6 $\frac{1}{2}$		17	4	1	0
	2876	15	2		20	3	6	2
	5534	2	0		128	1	32	1 $\frac{1}{2}$

Subtraction.

(6)	£	s.	d.	(7)	Mils.	furs.	pers.	yds.	ft.	ins.
	1687	1	7 $\frac{3}{4}$		79	6	12	1	1	6
	964	13	10 $\frac{1}{2}$		68	7	13	2	2	7
	722	7	9 $\frac{1}{4}$		10	6	38	3 $\frac{1}{2}$	1	11

Multiplication.

8. Multiply 1*l.* 17*s.* 6*d.* by 47.
 9. 20*l.* 3*s.* 0 $\frac{3}{4}$ *d.* by 18.
 10. 13*l.* 0*s.* 11 $\frac{1}{2}$ *d.* by 368.

Division.

11. Divide 136*l.* 17*s.* 8*d.* by 26.
 12. 18*l.* 9*s.* 0 $\frac{3}{4}$ *d.* by 78.

Reduction.

13. Reduce 42 *cwts.* 3 *qrs.* 17 *lbs.* 6 *ozs.*
 14. 18 *tons* 17 *cwts.* 2 *qrs.* 1 *lb.*
 15. 15 *miles* 2 *fur.* 36 *per.* 2 *yds.*
 16. 15 guineas to farthings.

Proportion.

17. How much land at 16*s.* an acre shall be given in exchange for 480 acres at 15*s.* an acre?
 18. A person fails for 1,078*l.* and his effects are worth 370*l.* 18*s.* 5 $\frac{1}{2}$ *d.*, what will be the dividend on 78*l.* 10*s.*?
 19. If 600*l.* gain 45*l.* in 18 months, how much will 100*l.* gain in a year?
 20. If 70*l.* 16*s.* 4*d.* is the cost of 16 cwt. 4 lbs., what would 1 ton 2 cwt. 3 qrs. cost?

IV.
Papers set for
Provincial
Examinations.
—
ARITHMETIC.

Practice.

21. The value of 1,245 at 4*d*.
22. 653 at $\frac{3}{4}$ *d*.
23. 328 at $8/5\frac{1}{2}$.
24. 1,530 $\frac{1}{4}$ at 15/9.
25. 674 at 4*l*. 8*s*. 4*d*.
26. 638 at 2*l*. 17*s*. 4*d*.
27. 983 at $3/10\frac{1}{2}$.
28. 3 *cwt*s. 2 *qrs*. 17 *lbs*. at 1*l*. 5*s*. 8*d*. per quarter.

EXPECTANTS OF EXCISE.

Add together '0007, 1'0109, '01 & 9.
Add together 14'3712, '001,5'0001 & 100.
From 10154271' take 9178965'8742.
From 991742865'010101 take 881745522'201002.
Multiply 91000'41 by 7101.
Multiply 7310'8001 by '0089.
Divide 218051'081884 by 2'00099.
Divide 81642' by 276'804.
Add $\frac{3}{4}$ and $\frac{6}{7}$ together.
Add $\frac{3}{4}$, $\frac{2}{7}$ and $\frac{5}{6}$ together.
Subtract $4\frac{1}{3}$ from $\frac{63}{15}$.
Subtract $\frac{7}{8}$ from $\frac{9}{16}$.
Multiply $\frac{3}{4}$ by $\frac{7}{8}$.
Multiply $\frac{2}{7}$ by $\frac{7}{45}$.
Divide $\frac{41}{33}$ by $\frac{63}{11}$.
Divide $\frac{9}{16}$ by $4\frac{1}{2}$.
Divide $\frac{3}{4}$ by $1\frac{8}{10}$.
Divide $\frac{8}{30}$ by $\frac{4}{5}$.

REPORT

COMMON LODGING HOUSES

In the Rept^r of the Comm^{rs} of Inquiry into the State of
Lays towns special atten-
tion was directed to the com-
mon lodging houses. Over-
whelming evidence was
adduced from all parties show-
ing that these houses were esp-
ecially the sources of spec-
anical diseases. In the Rept^r
of the Metrop.ⁿ Sanitary Comm^{rs}
1847 numerous facts of a sim-
ilar character plead for the

(1) In 1849 the com. lodging houses same conclusion is set forth.
suffered severely from spe-⁽¹¹⁾ In Windall's building Gray's
decemical Cholera. In have from 15 to 20 cases
of cholera occurred in a single
lodging house, & another in the
same building 20 cases of
fever originated.

leave a space here
of about 10 lines.

In 1849 in houses in pu-
ling's Building Kensington
used as lodging houses, con-
taining a population of 750
the mortality from cholera & di-
area alone amounted

totally being in proportion of
266 to 10000 living, whilst the
mortality from all cause was in
the proportion of 440 to 10000.

So strong were the evils of the
com. lodg. houses impressed
upon the Genl. Board of Health
that in the Sept. of 1847 the E. of
Shaftesbury introduced a bill
for their better regulation. The
bill became law in July 1850.

Captain Hay the Commr of Pol-
ice in his first Rept. on the Act
thus describes the characters of
these houses:

"With a sincere desire to im-
eliorate the wretched condition
the lodgings of the poorer classes,
I cheerfully received directions
from the Secretary of State to
take under my charge the
com. lodging houses as a new
branch of Police duties.

It was ^{then} more readily introduced
to undertake this overruling
from the strong representations
made by the General Board of
Health of the miserable state
these dwellings wh. the Board
describes as the great source
of contagious & loathsome
diseases.

[Civil Service Examination 12th July 1855]

Wm. H. Ashley

the carrying out being in-
trusted to the Metropolitan
Commrs of Police

Copy the following passage, writing it as clearly and legibly
as you can, and correcting all mistakes.



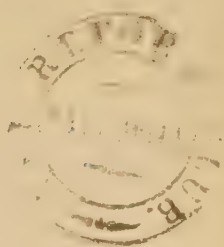
This declaration the masterpiece of Fergusons
genius was not a grave manifesto such
as ought to be set forth by a leader drawing
the sword for a great publick cause, but a
libell of the lowest class both in sentiment and
language. It contained undoubtedly many just
charges against the government. But these
charges were set forth in the prolate and inflated
style of a bad pamphlet; and mingled with
them was other charges of which the whole
disgrace falls on those who made them.
The Duke of York it was positively affirmed
had burnt downe London had strangled
Godfrey, had cut the throte of Essex and
had poison'd the late king. On account
of those villanous and unnatural crimes
but chiefly of that execrable fact the late
horrible and barbarous parricide, — such
was the copiousness and such the felicity of
Fergusons diction, — James was declared a

murder and bloody enemy a tyrant a murderer
and an usurper. No treaty sh^d be made
with him. The sword sh^d not be sheathed
untill he had been brought to condigne
punishment as a traitor. The government sh^d
be settled on principles favourable to liberty
All Protestant sects sh^d be tolerated. The forfeited
charters sh^d be restored. Parliaments sh^d be held
annually, and sh^d no longer be prorogued or
dissolved by royal caprice. The only
standing force sh^d be the militia. The militia sh^d
be commanded by the sheriffs and the sheriffs
sh^d be chosen by the freeholders. Finally
Moonsmouth declared that he c^d prove himself
to have been borne in lawfull wedlock and
to be by right of blood King of England but
that for the present he waived his claims
that he w^d leave them to the judgement of
a free parliament and that in the mean
time he desired to be considered only

only as the captling general of the English
Protestants in arms against tyranny and
Popery. Disgracefull as this manifest was
to those who had put it forth it was not
unskillfully framed for the purpos of stimulating
the passions of the vulgar. The gentry and
clergy of the West of England were with few
exceptions Torys. But the yomen the traders
of the towns the peasants and the artizans
were generally animated by the old Round-
head spirit. In any of them were discontents
and had been goaded by petty persecution
into a temper fit for desperate enterprize.
The great map of the population abhorred
Popery and addored Moormouth, His
progress through Summersetshire and Devon-
shire in the Summer of 1580 was still fresh
in the memory of all men.

Copy the following passage, writing it clearly and legibly, and correcting all mistakes.

2)



The true policy of the Whigs was to submit with patience to adversity which was the natural consequence and the just punishment of their errors, to wait patiently for that turn of public feeling which must inevitably come, to observe the law, and to avail themselves of the protection, imperfect indeed, but by no means nugatory, which the law afforded to innocence. Unhappily they took a very different course, unscrupulous and designing chiefs of the party formed and dis- cused schemes of resistance, and were heard, if not with approbation, yet with the shew of acquiescence, by much better men than themselves. It was proposed that there should be simultaneous insurrections in London, in Cheshire, at Bristol

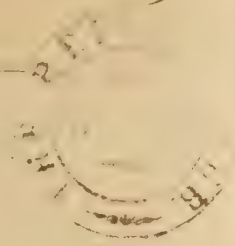
and at Newcastle Communications were
opened with the discontented Presbyterians of
Scotland who were suffering under a tyranny
such as England in the worst times had never
known. While the leaders of the Opposition then
revolved plans of open rebellion, but was still
restrained by fears or scruples from taking any
decisive step, a desire of a very different
kind was meditated by some of their accomplices.
To fierce spirits, unrestrained by principle, or
maddened by phanaticism, it seemed that to
waylay and murder the king and his brother
was the shortest and speediest way of vindicating
the Protestant religion and the liberties of
England, a place and time was named;
and the details of the butchery were frequently
discussed, if not definitively arranged.
This scheme was known but to few, and

as concealed with especial care from the
bright and humane Rufel, and from Innomouth,
who tho' not a man of delicate conscience,
would have recoiled with horror from the
guilt of parricide. Thus there was two plots,
one within the other. The object of the
great bohy plot was to raise the nation
in arms against the government. The lesser
plot commonly called the Rice House plot
which only a few desperate men was concerned,
and for its object the assassination of the
king and of the heir presumptive.

Both plots were soon discovered. Forwardly
traitors hastened to save themselves, by divulging
all that had past in the deliberations of the
party. That only a small minority of those
who meditated resistance had admitted into
their minds the thought of a rapanation is
fully established, but it was not difficult

for the government to confound with cons-
piracies together.

Copy the following passages correcting all mistakes.



Without denying the usefulness of that plan-like knowledge of geography of which I was just now speaking, it is certain that a far deeper knowledge of it is required by him who wd study history effectively. And the deeper knowledge is far more easily remembered. For my own part I find it exceedingly difficult to remember the position of towns, when I have no other association with them than their situation relatively to each other. But let me once understand the real geography of a country, its organic structure if I may so call it, the form of its skeleton, i.e. of its hills, the magnitude and course of its veins and arteries, i.e. of its streams and rivers: let me conceive of it as of a whole made up of connected parts, and then the position of man's

dwellings viewed in reference to these facts
becomes at once easily remembered, and
lively and intelligible besides.

I said that geography held out one hand
geology and physiology, while she held on
the other to history. In fact geology and
physiology themselves are closely connected with
history. For instance, what lies at the bottom
of that question which is now being discussed
every where, the question of the corn laws, but
geological fact that England is more richly supplied
with coal mines than any other country in the world
what has given a peculiar interest to our relations
with China, but the physiological fact, that
the tea plant which is become so necessary
to our daily life, has being cultivated with
equal success in no other climate or country?
what is it which threatens the permanence of
the union between the northern and southern
states of the American confederacy, but the
physiological fact that the soil and climate

of the Southern States render them essentially
agricultural; while those of the Northern States
combined with their geographical advantage
as to sea-ports, dispose them no less naturally
to be ~~a~~ manufacturing and commercial?
The whole character of a nation may be
influenced by its geology and physical geography.

That however is really superficial reading,
which dips merely into a great many places of
a volume at random, and studies no considerable
portion of it consecutively. One whole treatise upon
striking subject may and will give us a ~~more~~
accurate estimate of a writer's powers; It will
~~can~~ exhibit his way of handling a question, his
awareness, or unawareness, his judgement, his clearness,
his eloquence, or his reasoning powers. It is
vain to judge of any writer from isolated
quotations, least of all when we want to judge
of him, as illustrating the views and habits
of his time.

Copy the following paper
correcting the orthography, punctuation,
G^o - and all mistakes where necessary
and writing abbreviations at full length.

Down St

Jan 23. 1852

Sir,

I have to acknowledge yr Despatch, No 103 of
18th June last inclosing an address, from yr
Late Legislative Council of New South Wales, embodying
a declaration & remonstrance agt yr Constitutional
Act 13 & 14 Vict. c. 59 a copy of w^{ch} has also
been recieved ~~from~~ by her Majesty's gov^t from
yr spokesman of yr Council.

It cannot be otherwise than a matter of regret
to me, that yr Council sh^d have entertained
so much objection to different provisions of
that measure, & sh^d have thought it necessary
to declare those objections in this formal shape
before separating for the last time. But I must
be permitted to leave whether this remonstrance

accuracy expresses the feeling of the community,

For, the rept. of the Committee of Privy Council w^{ch} was closely followed in the bill layed before Parlt^y by H. M. Govt^y was recieved in N S Wales with very general expressions of satisfaction.

The Act therefore w^{ch} embodies the recommendations of that report, thus favorably rec^d from w^{ch} it only slightly varies & as, I believe in any of those particulars to w^{ch} the Obj^s now taken by the Council relate, can hardly be supposed to be unacceptable to the Colonists. If in deed the institutions created by it had been tryed & found insufficient ~~then~~ if any of its provisions had been found oppressive or impractical — then it wd be perfectly natural that those whose anticipations had been favorable sh^d profess themselves disappointed. But if had not been tried

at all & I am therefore intitled, rather to suppose,
that this declarⁿ of y^r Legislative Council does
not as I have said accurately represent the
public feeling than that public feeling, and
have thus changed without a motif

With regard to the Schedules of Expenditure, the
Legis^{ve} Council if I understand them, rightly
allege that y^r maintenance of these Schedules,
involves a breach of y^r Declaratory Act of
18 Geo III c. 12 an objection wh as far as I am
aware is for the first time now urged agst them

It might be sufficient to answer that the Act,
in question refers in terms only to the ^{imposition of taxes by} Imperial

Legislature & the appropriation of y^e produce
of taxes so imposed But it is more important
to observe that y^r act of Geo III does not declare
& had know intention to declare alth^o beyond
the renunciation by Parlt^y of any r^{ts} to interfere
with Chartered Provincial legislatures. The constitution

of N. S. Wales is itself created by Act of Parlt^y
superceding that form of govt^y & under the
peculiar circumstances of yr ~~area~~ colonic it
had been thought necessary to maintain
untill ten yrs ago; & Parlt in creating me
a constitution had an unquestionable rite to
anex to yr grant such conditions as it
might consider expedient



APPENDIX IV.

CIRCULARS AND FORMS.

PRELIMINARY
CIRCULAR.Civil Service Commission, 11, Manchester Buildings,
Cannon Row, Westminster.

SIR,

I AM directed by the Civil Service Commissioners to request you to bring under the consideration of the Order in Council of the 21st May 1855, making provision for testing, according to fixed rules, the qualifications of the young men who may, from time to time, be proposed to be appointed to the junior situations in any of Her Majesty's Civil Establishments.

It will be perceived that the Order in Council provides that all such young men as may be proposed to be appointed to any junior situation in any department of the Civil Service shall, before they are admitted to probation, be examined by or under the directions of the said Commissioners, and shall receive from them a certificate of qualification for such situation; and that it shall be the duty of the Commissioners, in respect of every such candidate before granting any such certificate as aforesaid,—

- 1st. To ascertain that the candidate is within the limits of age prescribed in the department to which he desires to be admitted.
- 2d. To ascertain that the candidate is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties.
- 3d. To ascertain that the character of the candidate is such as to qualify him for public employment, and
- 4th. To ascertain that the candidate possesses the requisite knowledge and ability for the proper discharge of his official duties.

And that the rules applicable to each department, under each of the above heads, should be settled, with the assistance of the Commissioners, according to the discretion of the chief authorities of the department.

This assistance the Commissioners will be prepared to render to the best of their ability; and they are accordingly desirous of ascertaining the rules and arrangements which exist in the Office, with reference to the several heads above mentioned, in respect to the appointments of young men to junior situations, and also of being furnished with any further suggestions on this subject which the may think it necessary to offer.

When the Commissioners shall have been made acquainted with such rules and arrangements and with the views and wishes of the they will make a further communication on the subject. In the meantime, they will confine themselves to the request that they may be supplied with a statement of the names of those who have been nominated to junior situations since the 21st of May last, with a view to carrying into effect the directions of the Order in Council.

I have, &c.

DRAFT CIRCULAR.

Civil Service Commission,
December 1855.

SIR,

I AM directed by the Civil Service Commissioners to acquaint you, for the information of that, with the view of securing an earlier announcement than has hitherto been practicable, of the results of the examinations of candidates from the various departments, the Commissioners think it desirable so far to alter the existing arrangements, as to substitute *Tuesday*, in each week, for *Thursday*, as the day upon which such candidates should attend to commence their examination.

By this alteration, the Commissioners hope to ensure that (except where some deficiency may exist in the evidence as to the age, health, or character of a candidate) their decision upon each case will be communicated to the department before the termination of the week in which the examination itself may occur.

With reference to the *preliminary* attendance of candidates, for the purpose of receiving instructions and of producing their certificates and testimonials, the Commissioners think that the most convenient course will be, that this attendance should be given upon either the *Thursday*, *Friday*, or *Saturday* preceding the examination day; except (1) in cases of great urgency, and (2) when the candidate resides at a distance from town. In these excepted cases, the preliminary attendance may be postponed until the following *Monday*.

The Commissioners propose that these alterations should take effect from the commencement of the ensuing year; the last examination under the present arrangement being held on the 20th instant, and the first under the new arrangement being held on the 1st of January next.

I am therefore to request that you will move to give instructions that all such candidates from the department of the as would, according to the existing arrangements, be directed to attend for examination on *Thursday the 27th* instant, may be directed, instead, to attend for that purpose on the *succeeding Tuesday* (the time of their *preliminary* appearance being regulated by the suggestions contained in the third paragraph of this letter), and that all subsequent directions to candidates may be framed in accordance with the alterations now proposed.

I am, &c.

Secretary.

SIR,

Civil Service Commission, December 1855.

DRAFT CIRCULAR.

I AM directed by the Civil Service Commissioners to request that you will submit the following observations on the evidence which should be required as to the age, health, and character of persons proposed to be appointed to junior situations in the several departments of the Civil Service, and on the means by which personation may be prevented.

By the provisions of the Order in Council of the 21st May 1855, the Civil Service Commissioners are required, before granting a certificate of qualification, to ascertain, *first*, that the candidate is "within the limits of age prescribed in the department to which he desires to be admitted;" *secondly*, that he is "free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties;" and, *thirdly*, that "the character of the candidate is such as to qualify him for public employment." The provisions relating to knowledge and ability not being connected with the subject of the present communication, need not be referred to.

In the performance of the duties entrusted to them, the Civil Service Commissioners are materially aided by regulations already existing in some of the public departments. The Commissioners of Inland Revenue, for example, have given to their local officers clear and minute directions as to the evidence of age which should be required; the Commissioners of Customs avail themselves of the services of a medical inspector, to whom candidates for metropolitan appointments are referred, and whose reports, when favourable, follow a prescribed form; and in the department of the Postmaster-General, a printed schedule of interrogatories must be filled up by the friends from whom testimonials as to character are sought.

It is obvious that the three extensive departments which have been referred to possess facilities for testing and verifying evidence which do not in all cases exist, but, although the means of verification may be more or less complete, it appears to be on every ground desirable that the general requisitions should be the same.

With the view of attaining the completeness and accuracy which are desired, the Draft Regulations, a copy of which I have the honour to enclose, are submitted to the consideration of

With regard to evidence of age, the rules now suggested are in great measure founded upon those recently laid down by the Board of Inland Revenue.

With regard to health, it would appear desirable that some form similar to that suggested should be universally adopted. As long as no prescribed form exists, questions will arise whether in particular cases guarded language has been employed from mere accident or from a natural reluctance to give an adverse opinion.

The last observation applies still more strongly to testimonials of character, which are, as is well known, too frequently given with great laxity.

It appears essential that these documents should be framed in terms which may fix a moral responsibility on those by whom they are given, in the event of the candidate's character proving *not* to have been, at the time of his nomination, "such as to qualify him for public employment." The enclosed schedule has been adapted, with some additions, from that used by the authorities of the Post Office.

Another point which has engaged the attention of the Civil Service Commissioners is, the discovery of efficient means for the prevention of personation, which (from reports brought under their notice) they believe may possibly be attempted. The best check which they are able to suggest is, that the authorities of the department to which the candidate is nominated should take measures for furnishing themselves with a specimen of his handwriting, which may be compared with that of the person who subsequently presents himself at this office for examination. It would appear that this may be conveniently effected by requiring the candidate to fill up the heading of the Form A. appended to the enclosed regulations; and in cases where the handwriting is authenticated by the initials of an officer of the nominating department placed in the margin, additional security will be obtained. The necessity of preventing, by the most effectual means, a fraud so gross as that which has been mentioned will, the Commissioners trust, be considered to justify them in suggesting a precaution which may impose on the officers of the several departments some additional labour.

I am directed, in conclusion, to express a hope that will concur with the Civil Service Commissioners in the views which have been expressed; and that if, either with reference to the Civil Service in general or to the peculiar requirements of the , any improvement in the Draft Regulations can be suggested, the Civil Service Commissioners may be favoured with a communication on the subject.

I have, &c.

Secretary.

I. AGE.

Candidates may be divided into two classes:—

1. Those born in England or Wales subsequently to the 30th day of June 1837.
 - (a.) Candidates included in this class should produce certificates from the Registrar General of Births, Marriages, and Deaths, or his local officers.
 - (b.) In ordinary cases no further evidence will be required.

A a

DRAFT CIRCULAR.

- (c.) Every candidate not producing such certificate must account satisfactorily for its non-production, and must prove his age by the evidence herein-after mentioned.

2. Those born in England or Wales before the 1st day of July 1837. Those who, though born in England or Wales on or subsequently to that day, are unable to produce the certificate above mentioned. Those not born in England or Wales.

- (a.) Candidates included in this latter class should produce, if possible, certificates of baptism, duly signed, and in the regular form.
- (b.) Where such certificates specify the time of birth, and no suspicion of irregularity exists, further evidence will not be required.
- (c.) Where a baptismal certificate is not produced, satisfactory reasons for its non-production must be assigned and verified.
- (d.) Where a baptismal certificate does not specify the time of birth, and where no baptismal certificate can be procured, the best evidence that can be given as to the date of the candidate's birth must be obtained. For this purpose, in the case of Dissenters, the non-parochial registers, entered under the Act 3 & 4 Vict. cap. 92, and preserved in Somerset House, will be available. If such evidence be offered by a family Bible or record, an extract therefrom must be made and subscribed by some credible and disinterested person, with the following form of attestation:—

"This is a true extract from a Bible [or other book or document, as the case;
 " may be,] in the possession of _____, residing at _____
 " and the insertion therein of the date of the birth of _____
 " appears to have been made at the time indicated.

" (Signed)

" (Place of abode)

"Dated this _____ day of _____."

- (e.) Where such extract has been duly verified, and no suspicion of irregularity exists, further evidence will not be required.
- (f.) Should there be no record whatever of the date of the birth of the candidate, the evidence of some credible and disinterested person, who can speak to his age, must be obtained. Such person must be required to make a solemn declaration in the statutory form before a magistrate, as to the date of the birth of the candidate, and as to the particular circumstances which enable the party declaring to speak to it.

II.—HEALTH.

Every candidate must produce a certificate signed by a Member of the College of Physicians, a Member of the British College of Surgeons, or of the Apothecaries' Company, or a Medical Graduate of an University, dated subsequently to the nomination; and such certificate must contain the statements following:

"I hereby certify, that I have this day personally examined Mr. _____,
 " proposed to be appointed to the junior situation of _____ in the
 " department of _____, and that I believe him to be free from any physical
 " defect or disease which would be likely to interfere with the proper discharge of his
 " duties.

" (Signed)

" (Address) _____."

Special circumstances, with such explanations as may be necessary, should be introduced before the words "and I believe him to be free," &c., and the certificate should proceed "under [or notwithstanding] the circumstances herein appearing, I believe him to be free," &c.

The Civil Service Commissioners reserve to themselves the right to require a personal examination of the candidate by their own medical officer; and will, if they think fit, make a confidential application to the medical referee named by the candidate.

III.—CHARACTER.

The Civil Service Commissioners must reserve to themselves full discretion as to the evidence of character which they may in specific cases deem it expedient to require, but under ordinary circumstances they will limit themselves to the following requisition:

1. Candidates who have been previously employed in any department of the public service should without delay communicate the fact of their having been so employed. The Civil Service Commissioners will then refer to the department named, and if the answer received should prove satisfactory, no further evidence will be required.
2. Candidates who have been previously in the employ of private individuals, should name their last employer as one of the referees mentioned below.
3. Candidates who have left school within two years before their nomination should name their last schoolmaster as one of the referees mentioned below.

4. Every candidate who has not been previously employed in the public service should produce papers in the annexed form (marked A.), satisfactorily filled up by two or more referees, of whom two at least must be householders. The counter signature of a justice of the peace, clergyman of the Established or Roman Catholic Church, or of a recognized minister of some other religious denomination, must be obtained, where one of the referees is not himself a justice of the peace, clergyman, or minister. Such counter-signature should be appended to the Form marked B.
5. The heading of the schedules should be filled up by the candidate in his own handwriting.

DRAFT CIRCULAR.

In all cases where a certificate of qualification has been obtained by representations which afterwards turn out to have been untrue, the Civil Service Commissioners will deem it their duty to communicate the fact to the department to which the candidate has been admitted, and to take the best means in their power for fixing upon the referees the responsibility which they have incurred.

A.

Statement respecting situation of _____ proposed to be appointed to the junior, _____ in the department of _____

1. Are you related to the candidate; if so, what is the relationship?
2. Are you well acquainted with the candidate?
3. From what circumstances does your knowledge of him arise?
4. How long have you known him?
5. Is he strictly honest and sober, intelligent and diligent?
6. Do you believe him to be free from pecuniary embarrassments?
7. What do you know of his education and acquirements?
8. Has he ever been in the service of the Government, and if so, in what situation?
9. So far as you can judge, is his character in all respects such as to qualify him for public employment, and in particular for the situation which he now seeks?

(Signature)

(Address)

(Date)

B.

I certify that the answers above written, and the signature thereto affixed, are in the proper hand-writing of _____ of _____, and that the said _____ is a person worthy of credit.

* To be signed by a justice of the peace or recognized minister of some religious denomination.

FORM OF CERTIFICATE OF QUALIFICATION.

We, the undersigned, Civil Service Commissioners, do hereby certify that _____ proposed to be appointed to the situation of _____ has been examined under our directions in _____ being the subjects in this case prescribed by the chief authorities of the department; and that we have ascertained that he possesses the requisite knowledge and ability for the proper discharge of his official duties.

FORM OF
CERTIFICATE OF
QUALIFICATION.

We also hereby certify that we have ascertained,

That he is within the limits of age prescribed for admission into the said office;

That he is free from any physical defect or disease which would be likely to interfere with the proper discharge of his duties; and

That his character is such as to qualify him for public employment.

In witness whereof we have hereto subscribed our names this _____ day of _____ one thousand eight hundred and fifty-

FORMS OF REJECTION.

1.

SIR,

Civil Service Commission,
Gateway, Dean's Yard, Westminster.

I AM directed by the Civil Service Commissioners to apprise you, for the information of

that

proposed to be appointed to the junior situation of _____

has been examined under the directions of the Civil Service Commissioners in _____

being the subjects in this case prescribed by the chief authorities of the department; and that the result of his examination has not been such as to satisfy the Civil Service Commissioners that he possesses the requisite knowledge and ability for the proper discharge of his official duties.

I have, &c.

Secretary.

FORM OF LETTER
OF REJECTION.

2.

Civil Service Commission,
Gateway, Dean's Yard, Westminster.

SIR,

I AM directed by the Civil Service Commissioners to apprise you,
that, according to the evidence produced to the Civil Service Commissioners,
proposed to be appointed to the junior situation of is not within the limits
of age prescribed in the department.

I have, &c.



APPENDIX V.

REPRINT OF PARLIAMENTARY PAPER No. 216. 1855, (ORDERED
TO BE PRINTED 2d MAY 1855), SHEWING THE SUBJECTS OF
EXAMINATION IN PUBLIC DEPARTMENTS BEFORE THE DATE
OF THE ORDER IN COUNCIL.

RETURN “of the SUBJECTS of EXAMINATIONS to which Persons are subjected who are nominated to Clerkships in the TREASURY, the CUSTOMS, the EXCISE, the POST OFFICE, the ADMIRALTY, the BOARD of CONTROL, the HOME, FOREIGN, and COLONIAL OFFICES, the PAYMASTER-GENERAL’S OFFICE, the OFFICE of WORKS, the OFFICE of WOODS, the AUDIT OFFICE, the REGISTRAR-GENERAL’S OFFICE, the ORDNANCE OFFICE, the WAR OFFICE, the POOR LAW BOARD, the BOARD of TRADE, the EXCHEQUER, the PRIVY COUNCIL OFFICE, the NATIONAL DEBT OFFICE, the STATIONERY OFFICE, the CHIEF SECRETARY’S OFFICE (Ireland), the PAYMASTER of CIVIL SERVICE (Ireland), the POOR LAW BOARD (Ireland); stating the Mode, and Length of Notice that such Examination will be required, that is given to each Candidate.”

TREASURY.

THE candidates are examined in the common rules of arithmetic, such as the rule of three, vulgar and decimal fractions, interest, and discount; and they are required to make an abstract of some official documents, to test their intelligence, and to show that they are able to write and compose correctly.

The general nature of the examination is verbally explained to the candidates, and they are allowed any time not exceeding one month to prepare for it, if desired by them.

30 April 1855.

(Signed) JAMES WILSON.

CUSTOMS.

PERSONS nominated to clerkships in the Customs, upon presenting themselves to take up their appointments are at once required to write from dictation in the presence of a properly qualified officer or clerk, and are examined in the principal rules of arithmetic, and the first four rules of decimal and vulgar fractions.

If upon this examination they are able to write fluently, without errors of orthography, and from their answers to the examples in arithmetic there should appear to be reasonable ground to believe that they will be qualified for the situations to which they have been nominated, they are placed on probation for three months; at the expiration of that period they are subjected to a further examination by the principal of the department, of a similar nature, and as to the knowledge they have acquired of their duty, and should they then be found to be fully qualified, and their conduct shall have been satisfactory, they are admitted to office.

2 April 1855.

(Signed) W. MACLEAN, Secretary.

EXCISE.

PURSUANT to Treasury letter, dated 29th December 1854, no person is fully admitted as a clerk in the Excise (Inland Revenue) Office until he has been examined, and his proficiency has been ascertained in reading, writing, vulgar fractions, decimals, book-keeping by double entry, writing from dictation, correspondence, geography, and the history of the British Empire. The person nominated by the Treasury is verbally informed, on presenting himself at this office, of the particulars of the examination. If he profess himself already prepared, his examination would proceed forthwith; but should he require an interval for preparation, no objection would be made to allow a short time for that purpose.

2 April 1855.

(Signed) THOMAS KEOGH, Secretary.

POST OFFICE.

IN respect to the metropolitan post-offices, every person nominated to a clerkship is subjected, as a condition of admission into such office, to an examination in penmanship, orthography, and arithmetic; and if the nomination be to a clerkship in the Secretary’s department of the London office, the candidate is also required to draw up a summary of some official case from the original documents.

A candidate who passes the examination described above receives a conditional appointment, but at the end of three months a further report is made as to his competency before his appointment is confirmed.

No formal notice is given of the first examination, but on passing it the candidate receives notice of the second.

In regard to provincial post-offices, the appointment of the clerks is entrusted to the local postmasters, subject to the approval in each case of the Postmaster-general; and

before any appointment is authorized the postmaster is required to send a specimen of the candidate's writing, and to make a written report on his qualifications. If the specimen and report are satisfactory, the appointment is sanctioned by the Postmaster-general; but no rule has been laid down prescribing examination in certain subjects as a condition of appointment to these clerkships.

2 April 1855.

(Signed) ROWLAND HILL, Secretary.

ADMIRALTY.

SIR,

Admiralty, 2 April 1853.

WITH reference to your letter of 31st ultimo, I am commanded by my Lords Commissioners of the Admiralty, to transmit to you herewith, as requested by the Lords Commissioners of Her Majesty's Treasury, a Return of the subjects for examination to which persons nominated to Clerkships in the Admiralty are subjected.

I am, &c.

The Secretary to the Treasury.

(Signed) W. A. B. HAMILTON.

FORM of Notification of Nomination to a Clerkship in the Admiralty.

Admiralty.

SIR,

I AM commanded by my Lords Commissioners of the Admiralty to inform you that you have this day been appointed a clerk in the Admiralty (Whitehall or Somerset House), and that you are to repair to your duties forthwith; but you must be prepared to undergo the required examination, when called upon to do so.

I am Sir,

Your most obedient Servant,

Admiralty, 11 January 1855.

MEMORANDUM.

(Examination for Clerkships, Whitehall.)

All gentlemen hereafter to be appointed to junior clerkships in the Secretary's department of the Admiralty, at Whitehall, are to undergo an examination, conducted by the Admiralty Inspector of Schools (the Rev. Dr. Woolley) and one of the senior clerks, who will be specially named for the purpose.

The subjects of examination and the number of marks to be assigned to each subject are to be as follows:—

A. Writing from dictation from an English author	-	-	-	-	50
B. Making a précis or digest of papers or correspondence	-	-	-	-	60
C. Arithmetic, consisting of addition, subtraction, multiplication, division, reduction, rule of three, vulgar fractions, and practice	-	-	-	-	50
D. English History	-	-	-	-	40
E. Geography	-	-	-	-	40
F. Translation from Latin	-	-	-	-	20
G. Translation from French	-	-	-	-	40
Total	-	-	-	-	300

The total number of marks is to be 300, and of these, 100 must be obtained to qualify for an appointment.

The numbers to be reported to the Board of Admiralty in every case, and if a candidate shall pass a superior examination, or display peculiar excellence in any of the subjects of examination, a special report is to be made for their information.

By command of their Lordships,

(Signed) R. OSBORNE.

Admiralty, 15 January 1855.

MEMORANDUM.

(Examination of Clerks, Somerset House.)

All gentlemen hereafter to be appointed to junior clerkships at Somerset House are to undergo an examination, conducted by the Admiralty Inspector of Schools (the Rev. Dr. Woolley) and one of the senior clerks, who will be specially named for the purpose.

The subjects of examination and the number of marks to be assigned to each subject are to be as follows:—

A. Writing from dictation from an English author	-	-	-	-	50
B. Making a précis or digest of papers or correspondence	-	-	-	-	60

C. Arithmetic, consisting of addition, subtraction, multiplication, division, reduction, rule of three, vulgar fractions, and practice -	-	60
D. Decimal fractions, interest and discount, annuities, exchange, and system of double entry -	-	60
E. English history -	-	30
F. Geography -	-	40
Total -	-	300

The total number of marks is to be 300, and of these, 100 must be obtained to qualify for an appointment.

The numbers of marks obtained are to be reported to the Board of Admiralty in each case, and if a candidate shall pass a superior examination, or display peculiar excellence in any of the subjects of examination, a special report is to be made for the information of the Lords Commissioners of the Admiralty.

By command of their Lordships,
(Signed) R. OSBORNE.

INDIA BOARD.

ALL appointments are made probationary for one year, to be revised at the end of that period, and to be cancelled if requisite for the public service.

16 April 1855. (Signed) HENRY DANBY SEYMOUR.

HOME OFFICE.

— NIL. —

31 March 1855. (Signed) H. WADDINGTON.

FOREIGN OFFICE.

— NIL. —

(Signed) G. LENOX CONYNGHAM,
Chief Clerk.

March 1855.

Note.—Although it will be seen by the above return that persons nominated to clerkships in the Foreign Office are not subjected to any preliminary examination, a rule has been laid down by Lord Clarendon, and applied to all appointments during the last year, that every person nominated to a clerkship is to be considered as appointed only on probation, and if at the end of six months' trial in the office he is found to be unfit, his appointment is to be cancelled.

COLONIAL OFFICE.

PERSONS nominated to clerkships in the Colonial Office are not subjected to examination as a condition of admission into that office; but all persons nominated to clerkships are compelled to perform a probationary service of one year, after which period they are either appointed on the establishment of the office, or their further services are dispensed with.

13 March 1855. (Signed) HERMAN MERIVALE.

PAYMASTER-GENERAL'S OFFICE.

THE subjects of examination are—

- Practice.
- Rule of three, direct, inverse and double.
- Vulgar and decimal fractions.
- Interest, purchase of stock, and exchange.
- Writing from dictation.
- A précis or abstract of some official documents.

Before the term of probation expires, the candidate is examined as to his knowledge of book-keeping.

No particular notice of the examination to be undergone is given. The candidate is apprised of it on his nomination, and usually presents himself for examination within a fortnight or three weeks afterwards.

11 April 1855. (Signed) E. A. HOFFAY.

OFFICE OF WORKS, &c.

No person who has been nominated to a clerkship in this department has been subjected to examination.

The establishment of this office consists principally of persons who, before the division of the late united Board of Woods and Works, on the 10th October 1851, had been employed in that department, and the persons who have been added to the establishment since that date have all previously served in other public departments.

The clerks of the works attached to the establishment previously to their appointment undergo an examination as to their knowledge of the construction of buildings, and as to their general fitness for the duties which belong to such situations, by the professional officers of the department.

(Signed) WILLIAM MOLESWORTH,
First Commissioner of Her Majesty's Works
and Public Buildings.

23 April 1855.

OFFICE OF WOODS, &c.

A PERSON nominated to a clerkship in the Office of Woods is not subjected to any formal examination, but the first year of his service is strictly a period of probation; and the confirmation by the Lords of the Treasury of the appointment of a person so nominated is dependent upon a certificate being furnished by the head of the department that the nominee has been found to be qualified for the situation of a junior clerk. Promotion from an inferior to a superior class is not regulated by seniority alone, but is dependent altogether upon the fitness of the individual for the proper performance of the duties of that higher class, and a practical test of that fitness is required for promotion to that class.

(Signed) CHARLES GORE,
JAMES HOWARD,
Commissioners of Her Majesty's Woods,
Forests, and Land Revenues.

13 April 1855.

AUDIT OFFICE.

1. PERSONS nominated to clerkships in the Audit Office are subjected to a preliminary examination, which comprises handwriting, English composition, and the following rules of arithmetic, viz.—Rule of three, practice, interest, and vulgar and decimal fractions.

2. The examination is conducted by a committee of three persons—the junior inspector, the chief clerk, and the book-keeper. The questions and answers are in writing, and are submitted by the committee, with their report thereon, to the Board for their final decision.

3. The length of notice given to each candidate that such examination will be required is for a period not exceeding six weeks: the notice is by letter, and the six weeks date from the date of the letter.

4. When a candidate is judged by the Board to have passed this preliminary examination, he is admitted to probation. The probationary period is one year, on the completion of which a further examination by the committee takes place in foreign exchanges and book-keeping by double entry. The result of this second examination is submitted to the Board in the manner before described, together with written reports from the inspector and senior clerk under whom the candidate has served, as to his general good conduct and abilities. If the Board should be satisfied on these points, they report to that effect to the Lords of the Treasury, and recommend the candidate for appointment to the office.

(Signed) EDWARD ROMILLY,
HENRY ARBUTHNOT, } Commissioners for Auditing
CHARLES ROSS. } the Public Accounts.

4 April 1855.

REGISTRAR-GENERAL'S OFFICE.

SUBJECTS of Examination:—1. Writing from dictation; 2. Arithmetic; 3. Geography; 4. History (occasionally).

Mode and length of Notice given:—The examination takes place immediately on the person nominated to a clerkship reporting himself at the office, without any previous notice.

(Signed) GEORGE GRAHAM, Registrar-General.

3 April 1855.

ORDNANCE OFFICE.

REVISED REGULATIONS of the Master-General and Board of Ordnance relative to the Examination of Gentlemen appointed to be Clerks in the Ordnance Civil Service, in accordance with a Report of the Treasury Committee, dated 17th December 1853, and a Minute thereon of the Lords of the Treasury, dated 17th January 1854.

The examination is to be conducted by a committee, to be composed of—

One of the members of the Board,

The chief clerk in the Office of the Secretary to the Board, and

The chief clerk in the Cash Account Office.

1. The candidate is expected to be able to read aloud with proper emphasis and discretion.
2. To write correctly from dictation.
3. To be conversant with the common rules of arithmetic, including vulgar and decimal fractions.
4. To be acquainted with book-keeping by double entry, if appointed to an office of accounts.
5. To be acquainted with geography.
6. To be able to write a letter and make an abstract of correspondence.
7. To give a written or *viva voce* opinion on an ordinary subject, which may be proposed to him for the purpose of testing his general intelligence.
8. The candidate must be between the ages of 17 and 23 years, of which proof must be given by an extract from the parish register, or by a declaration before a magistrate.
9. He must pass a medical examination, in order to ascertain that he has no bodily ailment likely to incapacitate him for service.
10. When the candidate shall have passed the requisite examination, his abilities are to be further tested by one week's employment in each of the following offices, viz.:—The Office of the Secretary to the Board, and the Cash Account Office.
11. The result is to be reported to the Board, and, if satisfactory, the candidate is to be admitted as a clerk on probation for twelve months, and a quarterly report is to be made of his conduct and abilities. Should these further reports be also satisfactory, the appointment will be confirmed.
12. In the case of clerks appointed to foreign stations who, either from want of qualifications or from misconduct, may be deemed by the storekeeper unfit to be confirmed in their appointments at the end of the probationary year, a court of inquiry will be assembled, who will report their proceedings, with their opinion, to the Board.
13. In the case of gentlemen who may be appointed to clerkships in the colonies in which they are resident, the examination will be conducted and reported upon by the respective officers at the station.

By order of the Master-General and Board,

10 April 1854.

(Signed) J. WOOD, Secretary.

Memorandum.—Persons who are nominated to clerkships in the Ordnance Department are at once called upon to present themselves for examination; but should they desire time to prepare themselves for examination, they are allowed one week to do so.

J. WOOD.

WAR OFFICE.

CANDIDATES will be examined in English grammar and composition, English history, and the British constitution, geography and arithmetic.

Questions under the above heads, which vary from time to time, are asked of each candidate, who is also required to write correctly from dictation, and in a clear good hand.

The greatest importance will be attached to superiority in English grammar, English composition, and writing correctly from dictation, and in arithmetic to the extent of a practical acquaintance with the rule of three, practice, interest, and vulgar and decimal fractions.

A candidate will be allowed to indicate any book or subject upon which he may wish to be specially examined.

Against the name of each candidate marks will be placed, showing the number of questions answered correctly and incorrectly.

A candidate, having past his first examination, will be admitted a member of the War Office for one year, on probation, when he may be again examined upon the War Office Regulations, the Army Estimates, and the details of a pay-list. And upon passing this examination, if his conduct, diligence, and general attention to his duty has been such as to obtain the approbation of the principals of the room in which he has been placed, he will be admitted a permanent member of the department.

7 April 1854.

(Signed) B. HAWES.

POOR LAW BOARD.

No person has been nominated to any clerkship in the office of the Poor Law Board since July 1853, when the committee appointed by the Lords of the Treasury to inquire respecting this office recommended that clerks should be examined previously to their appointment; and, consequently, no person has been subjected to such examination.

7 April 1855.

(Signed) W. G. LUMLEY,
Assistant Secretary.

BOARD OF TRADE.

It has not been their Lordships' practice to subject the persons nominated to clerkships in this office to any such examination as that referred to in the Order of the House of Commons.

5 April 1855.

(Signed) JAMES BOOTH.

EXCHEQUER.

THE office of the Comptroller-general of the Exchequer, now intrusted with functions formerly performed by the auditor of the receipt, the four tellers, and the clerk of the pells, is created under the provisions of the 4th Will. 4. c. 15. All the officers and clerks of the department are nominated, on probation, by the Treasury, and are only confirmed and appointed, after a service of twelve months, on the certificate of the Comptroller-general. These regulations are contained in the Treasury minute of 19th September 1834 (laid before Parliament in the following Session), which contains the following clause:—

“In case of future appointments of clerks in the Exchequer, my Lords desire that the party nominated shall be considered for the first year as on probation, and not to be confirmed without a report from the Comptroller-general to this Board, stating that he is competent to discharge the duties of his situation with efficiency, and likely to become, after sufficient experience, capable of executing the duties of the higher situations in the office. My Lords are also of opinion that, as vacancies may occur in the situations of chief clerk and accountant, no claim arising from seniority should be attended to, but the most competent person should be appointed.”

The mode in which the Comptroller-general ascertains the qualifications of the probationary clerk before recommending him for confirmation, will be best shown by the following extract from the Exchequer minute, 20th July 1842, on the first appointment of a new junior clerk:—

“In order to enable the Comptroller-general to exercise with effect the authority entrusted to him by the Treasury, and to ascertain whether, at the end of twelve months, he will be justified in making to the Treasury such a report as may admit of the confirmation of the probationary clerk, it is fitting that the latter should pass through every branch of the department, so as to acquire a knowledge of the business of each. He will, therefore, remain in the room over which Mr. Woodfall will preside till 1st January; from that date till the 1st April he will be employed under Mr. Ottey, and from 1st April till 1st July in the Exchequer Bill Office. The Comptroller-general will expect to receive from Mr. Woodfall, Mr. Ottey, and Mr. Chisholm, at the expiration of these several terms of service, a certificate, describing the manner in which Mr. Tucker's services have been performed. These certificates will be passed through the hands of the chief clerk, who shall also add his observations on the general conduct, punctuality of attendance, and strict obedience to the regulations of the office manifested by Mr. Tucker during his probationary year. These certificates will afford to the Comptroller-general the means of making his report to the Treasury, on which the confirmation of Mr. Tucker's appointment will depend.

“The Comptroller-general calls the special attention of the gentlemen of the department to that part of the Treasury letter which announces that in future the office of senior clerk, like the office of chief clerk and accountant, shall be filled up by the selection of the fittest person for the discharge of his important duties, without regard to mere seniority.

“Even in respect to the less responsible situations the gentlemen of the Exchequer are not to consider their succession on vacancies to be matter of course, it being the desire of the Treasury that the Comptroller-general shall recommend such transfers from the several branches of the office as shall most conduce to the advantage of the public service, due regard being had to the qualifications and conduct of the candidates for promotion. This power shall never be exercised capriciously or partially, but in every case the character and conduct of the gentlemen of the office shall be considered, with a view to what justice to them as well as justice to the public requires.

“The Comptroller-general will consider the chief clerk to be responsible to him for the regularity and discipline of the entire office in every one of its branches, communicating his directions to every gentleman of the establishment, and enforcing a strict adherence to all the rules and regulations.

“In respect to the various accounts, returns, credits, or other documents, prepared in the several rooms, the Comptroller-general directs, that before any of these are passed to Mr. Bulley, or submitted for the Comptroller-general's signature, their strict accuracy should be vouched by the initials of the head of the several branches; that is, by the first

accountant, by Mr. Woodfall, or by the senior clerk, or, during their vacation, by the gentlemen officiating in their room.

“In each department, however distinct may be the ordinary duty, every gentleman will hold himself liable to be transferred to any other part of the office whenever the public service may so require, and that the whole of their official time may thus be held to be subject to any orders which circumstances may demand.

“The Comptroller-general would very much regret if these orders should raise any inference that he mistrusts the zeal, ability, or regularity of the gentlemen of the department. To their qualifications and to their services he has been happy more than once to bear a willing testimony; but on the alterations in the department, rendered necessary by the removal of the delinquent Beaumont Smith, he thinks it necessary to repeat, and to enforce his former regulations, sanctioned as they now are by the authority of the Lords of the Treasury.

“Let this minute be communicated by the chief clerk to the gentlemen of the office.”

During the time of probation, the instruction given by the Comptroller-general to the probationary clerk, and to the officers under whom he is placed, are, that every care should be taken that the business to be executed by the probationer should be understood as well as performed, by which means mechanical are raised into intellectual functions, and what might be forgotten or imperfectly understood as abstract regulations, become clear and intelligible when considered in reference to their practical application to business.

The probationer has to pass from three to four months during his probation in each of the sub-departments of the office, under the immediate observation of the intelligent and experienced senior clerks, who have served for the terms of 31, 30, 27 and 28 years respectively. From each of these well-qualified gentlemen a written certificate is required, not only of the correct conduct of the probationer, but of his proved competency to execute the duties of a junior clerk. In addition to this, which amounts to a practical and continued examination of three or four months, continued during the entire year, the chief clerk, Mr. Ottey, who has served in the Exchequer 44 years, is required to certify respecting the general character, the punctual attendance, and the official and personal conduct of the probationer. Should any of these certificates appear dubious or insufficient, they are sent back for further report, and personal inquiries on the subject are made by the Comptroller-general before he reports finally to the Treasury in favour of the confirmation of the probationer. The probationer is also requested and encouraged at all times to apply to the Comptroller-general in person should any case arise requiring explanation or assistance from him. It should be borne in mind, that throughout this probation and continued trial and examination the parties having to judge and certify are in no instance the persons who recommend or appoint, and that, as it remains uncertain in what department the junior clerk, when confirmed, may be finally placed, each senior clerk certifying has a direct motive in securing the services of an able officer, who shall lighten his labour and share his responsibility. As all appointments to the senior offices are made questions of selection, and not of seniority, mutual motives to exertion exist throughout. Hitherto the Treasury has accepted the recommendation of the Comptroller-general in relation to these senior promotions. As the Comptroller-general has not selected any of these clerks on their first admission, he can have no partialities or preference, and the necessity of providing for the due discharge of the duties of the department, and for the accuracy of every order or warrant issued, would in itself on selfish, if on no higher grounds, compel the Comptroller-general and all of his senior clerks, to execute their functions with undeviating care and attention, by enforcing the selection of junior clerks, and the just promotion of their superiors. The result of the system is satisfactory.

(Signed) MONTEAGLE,
Comptroller-General.

1 May 1855.

PRIVY COUNCIL OFFICE.

— Nil. —

2 April 1855.

(Signed) C. GREVILLE.

NATIONAL DEBT OFFICE.

A CANDIDATE nominated to a clerkship in this office is subject to an examination, to show that he can write with ease and facility a clear legible hand; that he can copy in a fair and correct manner from manuscript or print, and manuscript accounts selected and set before him for that purpose; that he is complete master of arithmetic up to and including vulgar fractions; that he has a fair knowledge of history and of geography; and can produce certificates of good general conduct, one of which must be from the head of the last school in which he has been educated. There is no fixed length of notice given to the candidate that such examination will be required; the length of time, however, may be stated to be from a week to a fortnight after the nomination, and before the candidate is

required to attend. The tests are selected by the Comptroller-general, and the examination is conducted by one of the principal officers selected for the occasion. The papers showing the candidate's work are all delivered, after the examination is completed, to the Comptroller-general, and if the result is such as to satisfy him that the candidate may properly be admitted on probation for 12 months, that fact is reported by him to the Commissioners for their sanction. Periodical reports of progress are made to the Comptroller-general, and the candidate is not confirmed by the Commissioners unless these reports are satisfactory throughout the whole year.

13 April 1855.

(Signed) A. Y. SPEARMAN, Comptroller-General.

STATIONERY OFFICE.

No instructions have ever been issued to me by the Treasury or other authority in regard to the examinations or trials to which clerks or other parties should be subjected on their being appointed to this office; and being left to follow my own views in this respect, I have been satisfied if parties nominated as clerks wrote a pretty good hand, were tolerable proficient in arithmetic, and could write reasonably correct English. I have not thought it necessary to inquire whether they were acquainted with history and philosophy, with the Latin or French language, or with the higher branches of arithmetic or mathematics. These acquirements would be of little or no use in this department. The qualities and acquirements which we especially want are, perfect honesty, industry, accuracy, and dispatch in accounts, with a willingness to undertake and a determination to execute such work and render such services as may be required, whether consistent or not with official hours or official routine. And these invaluable qualities and acquirements cannot be discovered by any examination, which, indeed, is usually of very little use. Their existence, and the degree in which they may exist, cannot be learned otherwise than by experience. And I beg to add, that the circumstances under which clerks and other parties are placed in this office are in the last degree unfavourable for their development; the promotion of all, how different soever their qualities and deserts, being about equally rapid and certain.

13 April 1855.

(Signed) J. R. M'CULLOCH.

CHIEF SECRETARY'S OFFICE (IRELAND).

GENTLEMEN who are nominated to clerkships in the Chief Secretary's Office and offices connected with it, viz., Inspectors General of Prisons, Directors of Convict Prisons, and Inspectors of Lunatic Asylums, are subjected to examination in—

1. Writing from dictation.
2. Arithmetic, including vulgar and decimal fractions.
3. Making an abstract of a set of papers, according to written instructions, and drawing up an official letter from them.

The examination is conducted by one of the senior clerks, under the direction of a Board, consisting of the Chief or Under Secretary and the head of the department for which the candidate is intended.

Notice that the examination above-mentioned will be required is given to the candidate when he is informed of his nomination. He is requested to present himself at his early convenience; but if he asks for time, a month or six weeks is allowed.

17 April 1855.

(Signed) THOS. A. LARCOM.

PAYMASTER OF CIVIL SERVICES OFFICE (IRELAND).

No examination is required in this office.

Upon the appointment of a clerk, he is subjected to a probation of 12 months; and if at the expiration of that time he is not found competent, the appointment is not confirmed by the Treasury.

2 April 1855.

(Signed) C. S. GREY.

POOR LAW COMMISSION (IRELAND).

THE subjects of examination for persons nominated to clerkships in the Poor Law Commission Office in Ireland are—

- Arithmetic, including vulgar fractions and decimals.
- Geography of the British Islands.
- Writing from dictation and copying, the time occupied in each case being noted.
- Writing letters on a given direction.
- Making abstracts of letters.
- Grammar, especially orthography.

The mode of giving notice to persons nominated, is by letter, addressed to them after their nomination; as to the length of the notice there is no fixed rule, and it depends on the circumstances of each case, but seldom more than two or three days intervene between the time of nomination and the time of examination.

(Signed) W. STANLEY, Secretary.

2 April 1855.

APPENDIX VI.

EXAMINATION PAPERS USED AT EXAMINATIONS CONDUCTED BY
VARIOUS DEPARTMENTS BEFORE THE DATE OF THE ORDER
IN COUNCIL.

WAR OFFICE.

EXAMINATION of CANDIDATES for Admission into the WAR OFFICE.

Candidates will be examined in English grammar and composition, English history and the British constitution, geography, and arithmetic.

A few questions under each head are annexed as specimens of the nature of the questions to be asked of each candidate, who will also be required to write correctly from dictation, and in a clear good hand.

The greatest importance will be attached to superiority in English grammar, English composition, and writing correctly from dictation; and in arithmetic to the extent of a practical acquaintance with the rule of three, practice, interest, and vulgar and decimal fractions.

A candidate will be allowed to indicate any book or subject upon which he may desire to be specially examined.

Against the name of each candidate marks will be placed, showing the number of questions answered correctly and incorrectly.

A candidate, having passed his first examination, will be admitted as a member of the War Office for one year on probation, when he may be again examined upon the War Office regulations, the Army estimates, and the details of a pay list; and upon passing this latter examination, if his conduct, diligence, and general attention to his duty have been such as to obtain the approbation of the principals of the rooms in which he has been placed, he will be reported to the Secretary-at-War as qualified to become a permanent member of the department.

EXAMINATION QUESTIONS in the Nature of those to be proposed to Candidates for Admission into the WAR OFFICE.

English Grammar and Composition.

1. Accent each of the following words in two ways, and construct sentences which shall contain these words:—refuse, desert, protest, compound.
2. Correct, if necessary, the spelling of the following words, and give the reasons for your corrections:—moveable, truely, skillful, blisfull, lodgement.
3. Correct, if necessary, the following, and give the reasons for your corrections:—
Divide this among the two.
The man has come, him who you saw.
These books are their's, those are your's.
The captain with his men, were taken.
We laid our money upon camels, concealed in bales of cheap goods, and travelled to the shores of the Red Sea.
4. Distinguish between the following words and modes of expression:—acquittal and acquittance, attendance and attention, beside and besides, in course and of course.
5. Put the following sentence into plainer and more modern language:—"Alcidamas, the sorcerer, hath many notable arguments to prove that voluntary and extemporal far excelleth premeditated speech."
6. What historical events have influenced the composition of the English language? Name the chief writers of the reigns of Anne and George I.
7. Give the derivations of book, protect, adjacent, encamp, projectile, Dublin, Exeter.
8. Put the proper stops to the following passage, and explain it:—"For a man to write well there are required three necessities to reade the best authors observe the best speakers and much exercise of his owne style."
9. Write the following passage in prose, and parse the words in the first and second lines:—

"High on a throne of royal state, which far
Outshone the wealth of Ormus and of Ind,
Or where the gorgeous East with richest hand
Showers on her kings barbaric pearl and gold,
Satan exalted sat."

English History and British Constitution.

1. At what period, and under what circumstances, did the Saxons become masters of a large part of Britain?
2. Describe the most important of the Saxon institutions.
3. Name the sovereigns of the house of Stuart, and specify the principal events in the reign of James II.
4. Trace the causes which led to the quarrel between Charles I. and his parliament.
5. Describe the "Act of Settlement," and also the "Habeas Corpus Act."

6. Mention any of the principal writers upon the English constitution, and name their works.
7. Can you name any eminent foreign writers on jurisprudence, international law, or upon any of the following subjects, viz.,—history, science, natural history?

Geography.

1. Give proofs of the earth's rotundity.
2. Name the rivers upon which the following cities and towns are situated, Paris, &c. &c.
3. Name the chief commercial ports of Great Britain.
4. Describe the rivers which drain the eastern districts of England.
5. Mention the exports from the Mediterranean, and the countries from which they respectively come.
6. In what countries are the following cities and towns situated, and for what are they respectively noted? Liege, Ipswich, Hamburg, Bordeaux, Odessa, Belfast, Glasgow, and Axminster.
7. Describe the county of Middlesex in the following order:—1. Aspect; 2. Rivers; 3. Market towns; 4. Manufactures, trade, agriculture.
8. Whence do we obtain hides, cochineal, figs, cotton, sulphur, oil, and timber?
9. Describe the physical features, climate, and productions of Holland, Turkey, or Denmark.
10. Name the foreign possessions and dependencies of Great Britain in Europe.
11. What are the naval stations of England, France, and Russia?
12. Assign to their respective counties the following cities or towns:—Exeter, Ramsgate, Carlisle, Leeds, Dublin, Nottingham, Paisley, and Winchester.
13. Name the towns in which the following manufactures, &c. are carried on in England:—Machinery, carpets, silks, nails, boots and shoes, and hosiery.
14. State what books on the foregoing subjects, or any standard works in general literature you have read.

Arithmetic.

1. Define the following terms:—Quotient, ratio, fraction, proportion, multiple.
2. Divide 675*l.* 18*s.* 7*d.* by 35 $\frac{3}{4}$.
3. What sum of money will be required, per week of 7 days, to pay 8 companies, each consisting of 95 men, at 1*s.* 1 $\frac{1}{2}$ *d.* a day for each man?
4. What is the cost of 3 cwt. 3 qrs. 3 lbs. of beef, at 4 $\frac{1}{10}$ *d.* a lb.?
5. If gunpowder cost 4*l.* 18*s.* 6*d.* a cwt., what is the value of 14 cwt. 2 qrs. 7 lbs.?
6. What is the simple interest of 675*l.* 18*s.* 0*d.* for 5 years at 3 $\frac{1}{2}$ per cent. per annum?
7. Find by practice the value of 4 cwt. 2 qrs. 6 lbs. at 3*l.* 5*s.* 6*d.* a cwt.
8. What ought a loaf to weigh when wheat is at 4*s.* a bushel, if, when at 5*s.* 3*d.* a bushel, it weighs 2 lbs. 8 oz.?
9. Add together $\frac{2}{3}$ of 3 guineas, $\frac{3}{4}$ of 5*s.* 6*d.* and $\frac{1}{2}$ of $\frac{5}{6}$ of 5*d.*
10. Required the value of 8756 of a pound sterling.
11. What decimal of 8*s.* 5*d.* is 8*s.* 4*d.*?
12. The population of a place at one period was 4,780; at another period 5,002. Required, the increase per cent.
13. If a person's estate be worth 1,384*l.* 16*s.* 0*d.* a year, and the land tax be assessed at 2*s.* 9 $\frac{1}{2}$ *d.* in the pound, what is his annual net income?
14. Simplify $\frac{1\frac{3}{4} - \frac{7}{8} \text{ of } \frac{1\frac{8}{9}}{2\frac{3}{4}}}{\frac{5}{6} \text{ of } \frac{1\frac{2}{3}}{3\frac{2}{3}} + 5\frac{1}{2}}$, and reduce the result to a decimal.
15. At what rate per cent. will 325*l.* 16*s.* 8*d.* amount to 374*l.* 6*s.* 0 $\frac{1}{4}$ *d.* in 3 $\frac{1}{2}$ years at simple interest?

QUESTIONS, &c. proposed to CANDIDATES for CLERKSHIPS in the ADMIRALTY DEPARTMENTS at WHITEHALL and SOMERSET HOUSE, 12th and 13th APRIL 1855.

ADMIRALTY.

1. Written from dictation.

The first distinction to be attended to between minerals and beings endowed with life is, that the latter are formed with organs adapted to fulfil the several functions for which they were destined by nature.

These organs differ, not only in form and structure, but more or less in the materials of which they are composed.

Organized beings are generally of a smooth surface rounded and irregular, whilst minerals are rough, angular, and in their crystalline state of geometrical regularity.

One of the principal functions these organs have to perform is nutrition. Unorganized matter may be enlarged or diminished either by mechanical or chemical changes; minerals may be augmented by the addition of similar particles, or by chemical combinations with substances which are dissimilar, but they have no power to convert them into their own nature. Organized bodies, on the contrary, are increased in size by receiving internally particles of matter of a nature different from their own, which they assimilate to their own substance.

History and Geography.

1. Give an account of Edward I. both before and after he ascended the throne.
2. Give a sketch of the life and writings of Wyckliffe, and give some account of the sect of which he was the founder.

ADMIRALTY.

3. For what reasons is it important to remember the following reigns:—Egbert, Alfred, William I., Edward I., Henry VIII., Charles I., and William III.
4. Give an outline of the History of the English parliament.
5. Where are the following places, and for what are they remarkable,—Archangel, Christiania, Palermo, Rhodes, Medina, Barcelona, Agra, Surinam, Montevideo, San Francisco, Preston, and Montreal?
6. Enumerate the volcanos of Europe and America, and give some account of the most remarkable eruptions of each.
7. What do you mean by the temperate, frigid, and torrid zones? State their extent, climate, productions, and inhabitants respectively. Are their limits arbitrary, and, if not, determined by what physical circumstances?

Arithmetic.

1. Add	£	s.	d.
	1367	15	6 $\frac{1}{4}$
	346	19	1 $\frac{1}{2}$
	84	13	4 $\frac{1}{2}$
	56	15	8 $\frac{1}{4}$
	146	18	1 $\frac{1}{2}$
	85	15	6 $\frac{1}{2}$

	tons.	cwts.	qrs.	lbs.
2. From	876	11	1	23
Take	487	15	3	26

3. Multiply 3467l. 5s. 7 $\frac{1}{2}$ d. by 346.
4. Divide 2665 miles 2 furl. 31 poles $\frac{1}{2}$ yard by 58.
5. A train is travelling at the rate of 32 $\frac{1}{2}$ miles per hour; over how many feet does it pass per second.
6. If 84 men can do a piece of work in two months how long will it take 12 men to do the same?
7. If the carriage of 18 tons 13 cwt. 3 qrs. 14 lbs. cost 18s. 7 $\frac{3}{4}$ d. what will be the cost of carriage of 256 tons 19 cwt. 2 qrs. 26 lbs.?
8. What fraction of a £ is 7s. 8 $\frac{1}{2}$ d.
9. What is the value of $\frac{2}{3}$ of 5 $\frac{3}{4}$ — $\frac{3}{8}$ of 4 $\frac{1}{4}$
 $\frac{7}{8}$ of $\frac{2}{3}$ of 5 $\frac{1}{4}$ — $\frac{5}{8}$ of $\frac{4}{15}$ of 3 $\frac{2}{3}$
10. Find by practice the value of 1389 tons of coal at 1l. 13s. 8d. per ton.
11. What decimal of a pound troy is 16 dwts?
12. What are the value of '346 of a pound sterling, and of '058 of a year?
13. Multiply 32'47 by '0033.
14. Divide 1'0226816 by '0436.
15. What sum placed out at interest at 4 per cent. would amount to 580l. in 3 years, (1) allowing simple (2) compound interest.
16. Divide 350496l. among 4 persons in the proportion of 3, 7, 9, and 11.
17. A sum of 250l. 17s. 6d. is transmitted through Paris to New York. One sovereign English is worth 24 francs 79 cent. at Paris, and 6 francs 20 cent. French are worth 2 dollars 25 cents American. What is the value of the sum at New York in American currency?

To be translated into English:—

1. Menzikoff, quatrième fils d'un pauvre paysan des environs de Moscow, naquit vers l'an 1660. Son père chargé d'une nombreuse famille ne pût donner aucune éducation à ses enfans; l'éducation étant d'ailleurs à cette époque en Russie le privilège de la haute noblesse.

Le jeune Menzikoff était vif, spirituel, et fort enjoué, quoiqu'il eût alors l'esprit sans culture; ses camarades et ses frères même ne pouvaient s'empêcher de le regarder avec quelque jalousie, comme leur étant supérieur.

Menzikoff son père ne pouvant trouver à l'employer dans son village, le mena à Moscow pour lui chercher une place; là, on le mit chez un pâtissier, qui promit de pourvoir à ses besoins. Menzikoff entra dans sa nouvelle condition. On l'envoyait vendre des petits pâtés et des gâteaux dans les rues de la ville; il remplit pendant plusieurs années cette place avec fidélité.

Un matin qu'il venait de finir sa vente, après une revue de la garde impériale Russe, et tandis qu'il était assis sur une grosse pierre, vis-à-vis du palais, un page de l'empereur s'approcha de lui, et lui ordonna de le suivre.

2. VALÈRE, HARPAGON, ELISE.

Harpagon.—Ici Valère, nous t'avons élu pour nous dire qui a raison, de ma fille ou de moi.

Valère.—C'est vous, monsieur, sans contredit.

Harpagon.—Sais-tu bien de quoi nous parlons?

Valère.—Non. Mais vous ne sauriez avoir tort, et vous êtes tout raison.

Harpagon.—Je veux, ce soir, lui donner pour époux un homme aussi riche que sage; et la coquine me dit au nez qu'elle se moque de le prendre. Que dis tu de cela?

Valère.—Ce que j'en dis?

Harpagon.—Oui.

Valère.—Eh! eh!

Harpagon.—Quoi?

Valère.—Je dis que, dans le fond; je suis de votre sentiment; et vous ne pouvez pas que vous n'ayez raison. Mais aussi n'a-t-elle pas tort tout-à-fait et—

Harpagon.—Comment? le seigneur Anselme est un parti considérable; c'est un gentilhomme qui est noble, doux, posé, sage, et fort accommodé, et auquel il ne reste aucun enfant de son premier mariage. Saurait elle mieux rencontrer?

Valère.—Cela est vrai; mais elle pourrait vous dire que c'est un peu précipiter les choses, et qu'il faudrait au moins quelque temps pour voir si son inclination pourrait s'accorder avec.

Harpagon.—C'est une occasion qu'il faut prendre vite aux cheveux. Je trouve ici un avantage qu'ailleurs je ne trouverais pas, et il s'engage a la prendre sans dot?

Valère.—Sans dot?

Harpagon.—Oui.

Valère.—Ah! je ne dis plus rien. Voyez-vous. Voilà une raison tout-à-fait convaincante, il se faut rendre à cela.

Harpagon.—C'est pour moi une épargne considérable.

Valère.—Assurément, cela ne reçoit point de contradiction. Il est vrai que votre fille vous peut représenter que le mariage est une plus grande affaire qu'on ne peut croire; qu'il y va d'être heureux ou malheureux toute sa vie; et qu'un engagement qui doit durer jusqu'à la mort ne se doit jamais faire qu'avec de grandes précautions.

Harpagon.—Sans dot.

Valère.—Vous avez raison. Voilà qui décide tout; cela s'entend. Il y a des gens qui pourraient vous dire qu'en de telles occasions l'inclination d'une fille est une chose, sans doute, où l'on doit avoir de l'égard; et que cette grande inégalité de l'âge, d'humeur, et de sentimens rend un mariage sujet à des accidens très fâcheux.

Harpagon.—Sans dot.

Valère.—Ah! Il n'y a pas de réplique à cela; on le sait bien. Qui diantre peut aller là-contre? Ce n'est pas qu'il n'y ait quantité de pères qui aimeraient mieux ménager la satisfaction de leurs filles, que l'argent qu'ils pourraient donner; qui ne les voudraient point sacrifier à l'intérêt, et chercheraient, plus que toute autre chose, à mettre dans un mariage cette douce conformité qui, sans cesse, y maintient l'honneur, la tranquillité, et la joie, et que.

Harpagon.—Sans dot.

Valère.—Il est vrai; cela ferme la bouche à tout. Sans dot. Le moyen de résister à une raison comme celle-là?

Translate into English:—

1. Bello Helvetiorum confecto; *totius* ferè Gallia legati, principes civitatum, ad Cæsarem gratulatum convenerunt. *Intelligere sese, tametsi pro veteribus Helvetiorum injuriis, Populi Romani ab iis pœnas Bello repetisset, tamen eam rem non minùs ex usu terræ Gallia quam Populi Romani accidisse; propterea quod eo consilio florentissimis rebus domos suas Helvetii reliquissent, ut toti Gallia, bellum inferrent, imperioque potirentur; locumque domicilio ex magnâ copiâ deligerent, quem ex omni Gallia opportunissimum ac fructuosissimum judicassent; reliquasque civitates stipendiarias haberent. Petierunt uti sibi concilium totius Gallia in diem certam indicere idque Cæsaris voluntate facere, liceret: sese habere quasdam res, quas à communi consensu ab eo petere vellent. Eâ re permissâ diem concilio constituerunt; et jurejurando, ne quis enunciaret, nisi quibus communi consilio mandatum esset, inter se sanxerunt.*

2. Illi robur et æs triplex
 Circa pectus erat, qui fragilem truci
 Commisit pèlago ratem
 Primus, nec timuit præcipitem Africum
 Decertantem Aquilonibus
 Nec tristes Hyadas, nec rabiem Noti,
 Quo non arbiter Adriæ
 Major, tollere sen ponere vult freta.
 Quem mortis timuit gradum,
 Qui siccis oculis monstra natantia,
 Qui vidit mare turbidum, et
 Infames scopulos Acroceraunia?
 Ne quidquam Deus absceidit
 Prudens oceano dissociabili
 Terras; Si tamen impiæ
 Non tangenda rates transiliunt vada
 Audax omnia perpeti.

ADMIRALTY.

Gens humana ruit per vetitum nefas.
 Audax Iapeti genus
 Ignem fraude malâ gentibus intulit :
 Post ignem æthereâ domo
 Subductum, macies et nova febrium
 Terris incubuit cohors ;
 Semotique prius tarda necessitas
 Leti corripuit gradum.
 Expertus vacuum Dædalus aera
 Pennis non homini datis :
 Perrupit Acheronta Hercules labor.
 Nil mortalibus arduum est :
 Cælum ipsum petimus stultitiâ, neque
 Per nostrum patimur scelus
 Iracunda Jovem ponere fulmina.

INLAND
REVENUE.EXAMINATION of CLERKS nominated to the LEGACY DUTY DEPARTMENT.
INLAND REVENUE.*Admission.—1st Paper.*

1. State your name and the date of your birth.
2. At what schools were you educated?
3. What has been your occupation in life?
4. State your proficiency in arithmetic, particularly in—
 Vulgar Fractions,
 Decimals,
 Book-keeping by double entry.
5. State the extent of your knowledge of
 Geography, and
 The History of the British empire.

The nominee, after answering these questions, is then required to write from dictation; and if the result be satisfactory, he is examined in the History of the British Empire and Geography.

If his answers be approved he is then admitted on probation, and after the expiration of three months he is examined as to his knowledge of the duties upon which he has been employed, and of arithmetic and book-keeping by double entry.

Geography.

Where is St. Helena?
 Name some principal sea-ports in Spain and Portugal.
 Which are the principal manufacturing districts in England?
 Into how many zones is the earth divided for the purposes of geography?
 Where is California?
 Name the Channel Islands, and state why they are so called.
 What is the meaning of the word “Antipodes” in geography?
 What are the principal sea-ports of France?
 What are the names of the most southerly points of Africa and America?
 Name half a dozen of the United States.
 Where is Sierra Leone, and what is its principal characteristic?
 Where is Berwick-upon-Tweed, and for what circumstance is it noticeable?

History.

Which of the English kings reigned for the longest period?
 Who succeeded James II., and how did he acquire the crown?
 Name some English statesman of eminence in the reign of George II.
 What is the Habeas Corpus Act.
 Name half a dozen celebrated English admirals.
 What is the nature of the office termed “Premier”?
 Who succeeded Richard III., and how did he acquire the crown?
 Who was John Hampden, and what has rendered him famous?
 Name the king who divided England into counties.
 In whose reign did the United States cease to be a portion of the British dominions, and how did they acquire their independence?
 What was the effect of the corn laws, and what was the effect of their repeal?
 Name the great civil wars which have taken place in England, and the causes of any one of them.
 What is the meaning of the term “Catholic Emancipation”?

MEMORANDUM of TESTS of FITNESS to be applied to PERSONS nominated for Appointments in the Secretary's Department, including the Correspondence Branches. INLAND REVENUE.

- 1. Writing from dictation (in proof of readiness in spelling as well as hand-writing).
- 2. Writing down words of different meanings of which the definitions are given (a further proof of good spelling).
- 3. Copying a document (in proof of fitness, as to writing, to copy an official paper for use in any manner required).
- 4. Writing the definitions of a number of words given him for explanation (this is some little test of intellect).
- 5. Writing a short thesis on some subject given (a further test of intellect).
- 6. Writing a short narrative of the course of his own education, mentioning the authors he has read, and how far he has gone in each (a test of education).

As regards nominations to the correspondence branches, the four first of the six tests of fitness may be applied by the correspondent, and forwarded to the Board by him, through the Secretary; the two latter tests being applied by the Secretary himself, and being laid before the Board by him.

As regards nominations to the Secretary's office, the whole of the six tests will be applied by the Secretary.

Give in writing a short statement of the course of your education, the authors whose works you have read, and how far you have proceeded in them.

Give a definition of the following;—1st, history; 2nd, geography.

Write a short theme on the advantages of reading.

Arithmetic.

There are 2179 hackney carriages in London, which earn on an average 14s. a day each, what is the gross amount expended on these vehicles in a year?

Assuming that 32 bricks will make 9 square feet of pavement, how many will be required to pave a yard 63 feet long by 36 feet wide?

How much time in the course of 33 years will a person who rises at 5 o'clock in the morning, gain over another who rises at 8 o'clock, supposing both to go to bed at 10 o'clock at night, and computing 365¼ days to the year?

If a penny loaf weighs 4 ozs., when flour is 4s. the peck, what should it weigh when flour is 5s. 4d. the peck.

What is the duty on 85,960 lbs. of hops, at 1d. ½ of 1 farthing per lb. (by practice)

Add together ⅔, ⅕, and ⅙.

Subtract ⅔ from ⅙.

Multiply ⅔ by ⅙.

Reduce ⅔ to a decimal.

Add sixty and three thousandths to thirty-three and sixty-five hundred thousandths.

Subtract the less from the greater.

Find their product.

Divide the greater number by the less.

Book-Keeping

Specimen of Waste Book given to candidate to be journalized and posted into Ledger.

London, 1st January 1846.

List of the Effects of Richard Randall.				£	s.	d.
Cash in hand	-	-	-	1,000	0	0
Bills receivable						
No. 200. John Wright, due 6th February	-	£200	0	0		
„ 201. Joseph Strong, due 9th February	-	187	10	0		
				387	10	0
Wine:						
Port, 57 pipes at £60	-	3,420	0	0		
Sherry, 37 hogsheads at £40	-	1,480	0	0		
				4,900	0	0
Paper, 77 reams at 17s.	-			65	9	0
Cloth, 500 yards at 20s.	-			500	0	0
				6,852	19	0

1st.

List of liabilities.						
To George Williams, Cheapside	-	-	-	350	0	0
To William Jones, Bishopsgate-street	-	-	-	100	0	0

2nd.

Sold for cash 2 pipes port wine at 75l. per pipe	150	0	0
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2

Exchanged 3 hogsheads sherry at 40l. for 100 yards cloth at 24s. per yard	120	0	0
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INLAND REVENUE.

	3.	£	s.	d.
Sold for cash 7 yards cloth at 25s. 6d. per yard	-	8	18	6
	8.			
Bought for cash 58 reams paper at 22s. 6d. per ream		65	5	0
Bought of Anthony Alexander,				
2 pipes port wine at 53l. 10s.	- -	£107	0	0
7 hogheads sherry at 44l.	- -	308	0	0
		415	0	0
	8.			
Paid carriage of wine	- - -	0	15	0
	14.			
Bought of G. Williams 70 yards of cloth at 18s.	- -	63	0	0
	14.			
Paid G. Williams, cash on account	- - -	100	0	0
	21.			
Sold for cash 15 reams of paper at 20s.	- -	15	0	0
	28.			
Sold for cash 10 pipes of port wine at 65l. per pipe	- -	650	0	0
	30.			
Sold David Archer 14 reams of paper at 20s.	- -	14	0	0
	30.			
Paper damaged, 2 reams at 17s.	- - -	1	14	0

AUDIT OFFICE.

AUDIT OFFICE.

QUESTIONS given 21st May 1855.

Practice.

56 tons 4 cwt. 2 qrs. at 58l. 7s. 6d. per ton.

38 cwt. 1 qr. 16 lbs. at 2l. 12s. 6d. per cwt.

2654½ at 7l. 15s. 4d. each.

7394¼ at 12l. 8s. 8½d.

3875 at 8l. 18s. 6¾d.

Rule of Three.

3 cwt. cost 11l. 1s. 3d., what will be the cost of 16 cwt. 1 qr. 21 lbs.?

If 3 cwt. 13 lbs. cost 14l. 2s. 9d., what will 7 cwt. 2 qrs. 25 lb. cost?

If 3875 cwt. cost 34,596l. 9s. 8½d., what will 1 cwt. cost?

If 124 tons 16 cwt. 2 qrs. 16 lbs. cost 1613l. 19s. 6d., what will 2 tons cost?

Interest.

What is the interest of 945l. 10s. at 4 per cent. per annum?

What is the interest on 576l. 2s. 7d. at 4½ per cent. for 7¼ years?

What is the interest on 279l. 13s. 8d. at 5¼ per cent. for 3½ years?

What is the interest on 1797l. 14s. 0d. at 4¾ per cent. per annum?

*Vulgar Fractions.*What is the value of $\frac{6}{8}$ of a £?

Reduce 3s. 6d. to the fraction of a £.

Reduce $\frac{1}{2}$, $\frac{3}{4}$, and $\frac{5}{8}$, to a common denominatorAdd $\frac{1}{5}$, $4\frac{1}{5}$, and $\frac{2}{5}$ together.*Decimals.*Reduce $\frac{5}{8}$ to a decimal.

Reduce 6d. to the decimal of a £.

Reduce 7s. 6d. to the decimal of a £.

Multiply 3·76 by ·23.

What is the value in money of ·25 of a £?

What is the value in money of ·68125 of a £?

What is the value in money of ·025 of a £?

What is the value in money of ·3333 of a £?

Writing from Dictation.

Lord Chesterfield's paper in "The World," on Dr. Johnson's Dictionary,

Making an Abstract of an Official Paper.

Treasury Minute.

QUESTIONS given 18th May 1855.

Rule of Three.

If 6744½ cwt. cost 64030l. 11s. 11¼d., what will 1 cwt. cost?

If 33 cwt. 2 qrs. 8 lbs. cost 1315l. 8s. 9¾d., what will 3½ cwt. cost?

If 4365¾ cost 50624l. 10s. 2¼d., what will 1 cwt. cost?

Practice.

56 tons 4 cwt. 2 qrs. at 58*l.* 7*s.* 6*d.* per ton.
 38 tons 1 cwt. 16 qrs. at 2*l.* 12*s.* 6*d.* per cwt.
 37 tons 3 cwt. 22 qrs. at 12*l.* 11*s.* 7*d.* per cwt.
 7394 $\frac{3}{4}$ at 12*l.* 8*s.* 8 $\frac{1}{4}$ *d.* each.
 4562 $\frac{1}{4}$ at 3*l.* 15*s.* 9 $\frac{1}{2}$ *d.* each.
 16 cwt. 1 qr. 21 lbs. at 3*l.* 13*s.* 9*d.* per cwt.

Interest.

What is the interest of 576*l.* 2*s.* 7*d.* at 4 $\frac{1}{2}$ per cent. per annum for 7 $\frac{1}{2}$ years?
 What is the interest of 268*l.* for one year at 4 per cent. per annum?

Vulgar Fractions.

Reduce $\frac{2}{3}$, $\frac{3}{4}$, and $\frac{5}{6}$ to a common denominator.
 Add $\frac{2}{3}$ and $\frac{3}{4}$ together.

Decimals.

What is the value of $\cdot 75$ of a $\pounds$?
 What is the value of $\cdot 65$ of a $\pounds$?
 Add 72 $\cdot$ 5, 32 $\cdot$ 071, 2 $\cdot$ 1574, 371 $\cdot$ 4, 2 $\cdot$ 75 together.
 Reduce $\frac{1}{4}$ to a decimal.
 Reduce 6*d.* to the decimal of a $\pounds$.
 Reduce 9*s.* 7*d.* to the decimal of a $\pounds$.

Writing from Dictation.

Johnson's parallel between Dryden and Pope.

Making an Abstract of an Official Paper.

Treasury Minute.

QUESTIONS given 6th November 1854.

Rule of Three.

If 124 tons 16 cwt. 2 qrs. 16 lbs. cost 1613*l.* 19*s.* 6*d.*, what will two tons cost?
 If 3875 cwt. cost 34,596*l.* 9*s.* 8 $\frac{1}{4}$ *d.* what will one cwt. cost?
 37 cwt. 3 qrs. 22 lbs. cost 477*l.* 6*s.* 8*d.*, what will 1 cwt. cost?

Practice.

38 cwt. 1 qr. 16 lbs. at 2*l.* 12*s.* 6*d.* per cwt.
 16 cwt. 1 qr. 21 lbs. at 3*l.* 13*s.* 9*d.* per cwt.
 5 tons. 3 cwt. 1 qr. 5 lbs. at 3*l.* 13*s.* per cwt.

Interest.

945*l.* 10*s.* 0*d.* at 4*l.* per cent. per annum.
 576*l.* 2*s.* 7*d.* at 4 $\frac{1}{2}$ per cent. per annum for 7 $\frac{1}{4}$ years.

Fractions.

Reduce 3*s.* 6*d.* to the fraction of a $\pounds$.
 Reduce 6 $\frac{1}{4}$ *d.* to the fraction of a $\pounds$.
 Add $\frac{1}{2}$, 4 $\frac{1}{3}$, $\frac{5}{6}$.
 Find the common denominator of $\frac{2}{10}$, $\frac{3}{11}$, $\frac{5}{9}$, and $5\frac{1}{7}$.
 Find the value of $\frac{6}{8}$ of a $\pounds$.

Decimals.

Reduce $\frac{1}{8}$ to a decimal.
 Reduce 6*d.* to a decimal of a $\pounds$.
 Reduce $\frac{1}{4}$ to a decimal.
 Reduce 9*s.* 7*d.* to a decimal of a $\pounds$.
 Add 74 $\cdot$ 36, 5 $\cdot$ 473, $\cdot$ 9872, 340 $\cdot$ 03, and 5984.
 Add 72 $\cdot$ 5, 2 $\cdot$ 1574, 371 $\cdot$ 4, and 2 $\cdot$ 75.
 Multiply 75 $\cdot$ 6 by $\cdot$ 3796.
 Divide 84 $\cdot$ 6 by 3 $\cdot$ 9874.

Dictation.

A report from the Lords of the Treasury.

Writing a reply to a Treasury letter.

Making a précis from a Treasury letter.

CUSTOMS.

CUSTOMS.

The following is an outline of the preliminary Examination to which a party nominated to a Landing Waitership or Clerkship is subjected :—

The party is first required to answer in writing the several questions enumerated in the General Order, No. $\frac{9}{1850}$; he is then required to write from dictation, and to work sundry examples in arithmetic, such for instance as those undermentioned :—

1. Find the value of 353 cwt. 2 qrs. 7 lbs. of sugar, at 17*s.* 4*d.* per cwt.
2. Calculate the duty on 753 lbs. of tea at 2*s.* 1*d.* per lb, with 5 per cent. additional.
3. Calculate the duty at 15*l.* per cent. on goods valued at 963*l.* 15*s.*
4. Add together $\frac{1}{2}$, $\frac{3}{4}$, $\frac{5}{8}$, and $\frac{7}{9}$.
5. Add together $\frac{2}{7}$ of 18, and $\frac{3}{5}$ of $1\frac{4}{11}$.
6. Subtract $2\frac{5}{8}$ from $3\frac{3}{4}$.
7. Divide $\frac{2}{5}$ by $\frac{3}{7}$, and multiply the product by $\frac{2}{3}$.
8. Add together 1·3046, 15·031, ·0082, and 3·29.
9. Multiply 4·41 by 33·21.
10. Divide 2·5 by ·32.
11. Divide 9·065 by ·049.

Case 1.

1st Examination.

1. Calculate the duty on 356 cwt. 3 qrs. 16 lbs. of foreign white clayed sugar at 12*s.* 10*d.* per cwt.
2. Ditto at 15*l.* per cent. on goods valued at 963*l.* 15*s.*
3. Add together $\frac{1}{2}$, $\frac{3}{4}$, $\frac{5}{8}$ and $\frac{7}{9}$.
4. Divide $\frac{2}{5}$ by $\frac{3}{7}$ and multiply the product by $\frac{2}{3}$.
5. Multiply 22·5 by 32·16.
6. Divide 3·24 by ·25.
7. Add together ·0204*l.*, 13·26*l.*, and ·003*l.*, and find the value of the same.

2nd Examination.

1. Add together $1\frac{3}{8}$, $\frac{1}{6}$, $\frac{5}{18}$ and $2\frac{1}{12}$.
2. Subtract $\frac{3}{4}$ from $1\frac{4}{5}$.
3. Divide $\frac{2}{5}$ of $\frac{8}{9}$ by $\frac{6}{7}$ of $\frac{3}{4}$.
4. Multiply 4·41 by 33·21.
5. Add together 1·3046*l.*, 15·031*l.*, 0082*l.*, and 3·29*l.*, and find the value of the sum.
6. Divide 2·5 by ·32.

Examination after Probation.

	<i>Cwt.</i>	<i>qrs.</i>	<i>lbs.</i>
Add together—	35	3	14
	26	1	11
	15	2	22
	167	0	15
	19	1	1
	265	3	3
	88	2	14
	63	3	5
	77	2	9

Multiply 15*l.* 15*s.* 9*d.* by 35.

Add $\frac{1}{2}$, $\frac{3}{4}$, $\frac{5}{8}$.

Multiply $\frac{2}{5}$ by $\frac{8}{9}$.

Multiply 367·54 by 69·3.

Divide 316·21 by 4·7.

If 10 yards cost 2*l.* 16*s.* 8*d.*, what will 3 yards cost?

Case 2.

1st Examination.

1. Find the value of 7 cwts. 3 qrs. 11 lbs., at 2*l.* 13*s.* 1*d.* per quarter.
2. Calculate the duty on 753 lbs. of tea at 2*s.* 1*d.* per lb., with 5 per cent. additional.
3. Ditto at 15 per cent. on goods valued at 963*l.* 15*s.*
4. Add together $\frac{1}{2}$, $\frac{3}{4}$, $\frac{5}{8}$ and $\frac{7}{9}$.
5. Add together $\frac{2}{7}$ of 18, and $\frac{3}{5}$ of $1\frac{4}{11}$.
6. Divide $\frac{2}{5}$ of $\frac{8}{9}$ by $\frac{6}{7}$ of $\frac{3}{4}$.
7. Divide $\frac{2}{5}$ by $\frac{3}{7}$, and multiply the product by $\frac{2}{3}$.
8. Add together 1·3046, 15·031, ·0082 and 3·29.
9. Add together ·0204*l.*, 13·26*l.*, and ·003*l.*, and find the value of the sum.
10. Divide 9·065 by ·049.
11. Divide 2·5 by ·32.

Examination after Probation.

345 tuns 2 hhd. 42 gall. at 45*l.* 10*s.* per tun.
3796 cwt. 3 qrs. 24 lbs. at 1*l.* 13*s.* 3*d.* per cwt.
17,646,391 lbs. at 7½*d.* per lb.
51684 load 41 feet at 2*l.* 15*s.* per load (with currency).
1 fathom 21 feet at 6*s.* 6*d.* per fathom (216 feet.)
8 gt. hundred, 3 qrs. 14 at 1*l.* 5*s.* per gt. hundred.
95 fathoms 105 feet at 19*s.* per fathom (216 feet.)

Add 3541½
562½
951½
1740½
1893½

Add and find the value in £. s. d.

1·521
·675
·145
3·184

Case 3.

1st Examination.

- No. 1. Find the value of 7 cwt. 3 qrs. 11 lbs. at 2*l.* 13*s.* 1*d.* per quarter.
2. Add together 1⅔, ⅙, ⅕, 2⅙
3. Divide ⅙ of ⅔ by ⅕.
4. Add together 1·3046*l.*; 15·031*l.*; ·0082*l.*; 3·29*l.*, and find the value of the sum.
5. Multiply 33·21 by 4·41.
6. Divide 2·5 by ·32.

Examination after Probation.

50 bags sweet almonds 33 cwt. 2 qrs. 18 lbs. gross. Tare 2lbs. each bag and ⅓rds allowed for shell; what is the net weight for duty?

5butts
3 canotals } Currants.
10 boxes raisins.

J. D.	1	cwt.	17	qrs.	2	lbs.	9
	2		18		2		14
	3		19		3		0
	4		20		1		0
	5		16		3		26
	5 butts		93		0		21

Tare @ 18 per cent. what is the net weight?

F. B.	1	cwt.	7	qrs.	2	lbs.	19
	2		6		3		21
	3		7		0		14
	3		21		2		26

Tare @ 17 per cent. what is the net weight?

Raisins.

Boxes.	C. L.	5	cwt.	2	qrs.	1	lbs.	24
		5		2		2		1
		10		4		3		25

Tare 6lbs. each, what is the net weight?

Fractions.

Add ⅔ × ⅕ × ⅙.
Multiply ⅔ × ⅕.
Divide ⅔ ÷ ⅕.

Decimals.

Multiply 19·378 by 19·38.
Divide 3·24 by ·25.

Case 4.

1st Examination.

1. Find the value of 7 cwt. 3 qrs. 11 lbs. at 2*l.* 13*s.* 1*d.* per quarter.
2. What is the duty on 353 cwt. 2 qrs. 7 lbs. of sugar at 17*s.* 4*d.* per cwt.?
3. Add together 1⅔, ⅙, ⅕, 2⅙.
4. Divide ⅔ by ⅕, and multiply the product by ⅙.
5. Multiply 32·16 by 22·5.
6. Divide 9·065 by ·049.

CUSTOMS.

Examination after Probation.

Add $\frac{3}{4} \times \frac{5}{8} \times \frac{2}{3}$ Multiply $\frac{3}{4} \times \frac{7}{8}$.Divide $\frac{4}{5} \div \frac{3}{8}$.

Multiply 19·378 by 19·38.

Divide 3·24 by ·25.

Case 5.

1st Examination.

1. Calculate the duty on 356 cwt. 3 qrs. 16 lbs. of foreign white clayed sugar at 12s. 10d. per cwt.
2. Do. at 15l. per cent. on goods worth 895l. 16s.
3. Add together $\frac{2}{7}$ of 18 and $\frac{2}{5}$ of $1\frac{4}{5}$.
4. Divide $\frac{5}{8}$ by $\frac{2}{7}$ and multiply the product by $\frac{3}{5}$.
5. Add together 1·3046l., 15·031l., ·0082l. and 3·29l., and find the value of the sum.
6. Multiply 22·5 by 32·16.
7. Divide 9·065 by ·049.

2nd Examination.

1. Calculate the duty on 353 cwt. 2 qrs. 7 lbs. of foreign refined sugar at 17s. 4d. per cwt.
2. Find the value of 7 cwt. 3 qrs. 11 lbs. at 2l. 13s. 1d. per quarter
3. Subtract $2\frac{5}{8}$ from $3\frac{3}{4}$.
4. Add together ·0204l., 1·326l., and ·003l., and find the value of the sum.
5. Divide 2·5 by ·32.

Examination after Instructions.

Return for duty 60 chests of liquorice paste weighing 160 cwt. 2 qrs. gross, allowing for tare 42 lbs. each chest, and for leaves 7 per cent.

What dimensions are required to find the contents of a cask?

How do you ascertain the strength of spirits?

Timber $32\frac{1}{2}$ feet length— $24\frac{1}{2}$ inches side,—how is the content for duty ascertained?

Deals cubed in pile—460 pieces 15 ft. 3 in. length, 22 ft. 2 in. height, 4 ft. 8 in. width.

State the per-centage tare of 3 casks of currants. Weight 54 cwts. 3 qrs. 15 lbs. Tare of casks 4 cwts. 2 qrs. 15 lbs.

Two cases of toys, each, 10 ft. 7 in. $\times$ 5 ft. 7 in. $\times$ 4 ft. 3 in. No. of feet for duty.

3 Carpets, each 11 : 10 by 9 ft. 7 in. No. of yards for duty.

Divide 76·86 by 9·6.

Multiply 75·6 by 6·75.

104 Casks of tallow, gross weight 1248 cwt. 3 qrs. 17 lbs., tare 12 per cent., what is the net weight?

24 Butts of currants, gross weight 373 cwts. 3 qrs. 26 lbs., tare 14 per cent.; what is the net weight?

10 Cases of liquorice paste, gross weight 22 cwt. 2 qrs. 15 lbs., tare 37 lbs. per case, and 7 per cent. for leaves; what is the net weight?

How many square yards in the under-mentioned carpets:

1 carpet 24 ft. 10 in. $\times$ 21 ft. 6 in.

1 ——— 12 ft. 9 in. $\times$ 18 ft. 4 in.

Show the content of the following piles of deals, measuring as under:

Deals.	ft.	in.	in.	in.
120 —	21	2	$\times$ 67	$\times$ 66.
120 —	18	1	$\times$ 66	$\times$ 61.
120 —	16	0	$\times$ 63	$\times$ 55.

1 case of bottled brandy, 72 bottles (reputed claret quarts) each bottle measuring $5\frac{1}{2}$ gills and 9·5 over proof; what quantity for duty? (and weight of glass.)

100 butts of currants, weighing gross 1970 cwts., 2 qrs. 14lbs. net quantity required; tare 18 per cwt.?

How many cubic feet are contained in a case of toys, measuring as under?

Length.	Depth.	Width.
ft. in.	ft. in.	ft. in.
8 6 $\times$	4 8 $\times$	3 6

If 20 butts of currants weigh 360 cwt. 3 qrs. 14 lbs gross, and each butt tares 360 lbs., how much is that per cent.?

How many square yards are contained in 15 pieces of stained paper, each piece measuring 25 yards long by 2 ft. 6 inches wide?

What is the net weight of 100 chests of liquorice juice, weighing 250 cwt. 3 qrs. 10 lbs. gross, tare 50 lbs. each, and an allowance of 6 per cent for leaves.

In 20 double and 20 single barrels of anchovies, weighing 12 cwt. 3 qrs. 10 lbs. gross, tare 14 lbs. each double barrel, 6 lbs. each single barrel, and one third part allowed for salt and pickle, how many pounds net?

If 4 jars of olive oil weigh 12 cwt. 3 qrs. 20 lbs. gross, how many gallons are contained therein, after making the usual allowance, viz. one-third as tare for jars, and one-seventh for sediment?

In 2 cases of looking glasses, being plate glass, each plate not containing more than 9 square feet, how many square feet for duty?

Plates.	Wide.
	<i>in.</i> <i>in.</i>
20 each	27 × 14
12 „	24 × 19
10 „	36 × 24

In 1 package leaf metal, how many packets for duty? Contents 250 bundles, each 10 packets, each 20 books, each 19 leaves.

4 baskets of sweet almonds, in the shell, weighing proof 6 cwt. 2 qrs. 5 lbs., how many pounds net? Tare 9 lbs. and the usual allowance for shells.

State the number of square yards in 50 pieces of paper hangings, each piece measuring $10\frac{1}{2}$ yards long, by a breadth of 19 inches.

Bring 1 qr. 14 lbs. 12 ozs. of roses into ounces, allowing $\frac{3}{7}$ part for tare?

What is the tare on 50 cwt. 2 qrs. 7 lbs. of almonds, in the shell, in 20 casks. Tare for casks 30 lbs. each, and $\frac{2}{5}$ part for shells?

What is the tare per cent. on a cargo of currants, the gross weight as under:—

cwt.	qrs.	lbs.	cwt.	qrs.	lbs.
1	17	1 18	2	1	15
2	11	3 27	2	3	11
3	22	1 5	3	0	15
4	14	1 24	1	3	36
4	74	0 18	10	1	11

A block of marble 4 ft. × 3 ft. 4 in. × 3 ft. 2 in., how many feet?

5 cases of liquorice juice, 10 cwt. 0 qr. 19 lbs. gross, cases, tare together 205 lbs. allowed for leaves 7 per cent. State the quantity for duty?

Case 6.

1st Examination.

- Find the value of 7 cwt. 3 qrs. 11 lbs. at 2*l.* 13*s.* 11*d.* per cwt.
- Divide 3·24 by ·25.
- Add together 2·8146, ·0938, 8, ·875, 31·2788, 4·0087.
- Find the value of 89 at 3*s.* 11 $\frac{3}{4}$ *d.*

2nd Examination.

Find the value of 6 cwt. 1 qr. 11 lbs at 2*l.* 17*s.* 9*d.* per cwt.

Calculate the duty at 5*l.* per cent, on goods worth 857*l.* 16*s.*

Find the value of $\frac{1}{2} + \frac{3}{4} + \frac{5}{6} + \frac{7}{8}$.

Divide 2·5 by ·32.

Find the value of 2·325 of 1*l.*

Case 7.

1st Examination.

- Calculate the duty on 356 cwt. 3 qrs. 16 lbs. of sugar at 12*s.* 10*d.* per cwt.
- Divide $\frac{3}{5}$ by $\frac{2}{3}$, and multiply the product by ...
- Add together $\frac{2}{3}$ of 18, and $\frac{3}{5}$ of $1\frac{4}{5}$.
- Add together 1·3046*l.*; 15·031*l.*; 0082*l.*; 3·29*l.*, and find the value of the sum.
- Divide 3·24 by ·25.

Case 7.

2d Examination.

1. Calculate the duty on 7 cwt. 3 qrs. 11 lbs. at 2*l*. 13*s*. 1*d*. per quarter.
2. Add together $\frac{1}{2}$, $\frac{2}{3}$, $\frac{5}{6}$, $\frac{7}{9}$.
3. Divide $\frac{3}{5}$ of $\frac{8}{9}$ by $\frac{7}{6}$ of $\frac{3}{4}$.
4. Multiply 332·1 by 44·1.
5. Divide 2·5 by ·32.

Case 8.

1. Calculate the duty on 356 cwt. 3 qrs. 16 lb. of sugar at 12s. 10d. per cwt.
2. Calculate the duty at 15% per cent. on goods valued at 963% 15s.
3. Add together $\frac{2}{3}$ of 18, $\frac{1}{2}$ of $3\frac{1}{3}$.
4. Multiply 33.21 by 4.41.
5. Divide 9.065 by .049.
6. Add together .0204%, 1.326%, and .003%, and find the value of the sum.

Case 9.

1. Calculate the duty on 356 cwt. 3 qrs. 16 lbs. of foreign white clayed sugar at 12s. 10d. per cwt.
2. Calculate the duty at 15% per cent. on goods valued at 963*l.* 15s.
3. Add together $1\frac{3}{8}$, $\frac{1}{6}$, $\frac{5}{18}$, and $2\frac{1}{12}$.
4. Divide $\frac{5}{3}$ by $\frac{5}{7}$, and multiply the product by $\frac{2}{3}$.
5. Multiply 4.41 by 33.21.
6. Divide 9.065 by .049.
7. Add together 1.3046*l.*, 15.031*l.*, .0082*l.*, and 3.29, and find the value of the sum.

POST OFFICE.

POST OFFICE.

Case 1.

What is the income of a person who pays 22*l.* 7*s.* 5*d.* for income tax at the rate of 7*d.* in the £?

What must an income of 400*l.* pay towards an income tax of 4*s.* 6*d.* in the £?

44½ guineas used to be coined out of 1 pound of standard gold, how many sovereigns are now coined out of this weight?

If a bankrupt is able to pay 12s. 6½d. in the £, and his debts amount to 3600£, what is his estate worth?

If a bankrupt owes 4726*l.* 10*s.*, and his effects are worth 1181*l.* 12*s.* 6*d.*, how much will he be able to pay in the £?

Exercise in Addition.

[illegible]

Exercise in Addition.

POST OFFICE.

	No. of 3d. Orders.	No. of 6d. Orders.	Total.	Balance due to on previous day.	Amount of orders paid.	Remittances.	Total.
				£ s. d.	£ s. d.	£ s. d.	£ s. d.
George Jury - - - - 318	17	8			49 10 6	40 0 0	
George Barnby - - - 61	1	2			9 16 6	- -	
Thomas Swan - - - - 62	3	1			8 7 0	20 0 0	
John L. Thornton - - - 30	-	5			24 10 0	- -	
William Wootten Lucy - - 122	2	1			5 9 0	- -	
Joseph Brown - - - - 80	-	1			3 8 0	- -	
Frances Shore - - - - 56	2	3			12 0 2	- -	
Gwenllian Davis - - - 70	4	5			25 14 8	26 15 6	
Patience Thompson - - - 76	8	4			22 3 0	- -	
Elizabeth Nicklin - - - 49	4	4			17 0 1	- -	
Charlotte A. Pritchard - - 53	4	-			3 19 0	- -	
John Catherall - - - - 54	2	-			1 15 3	45 0 0	

Case 2.

What must 2*l.* pay towards a tax when 650*l.* 13*s.* 4*d.* is assessed at 83*l.* 12*s.* 4*d.*
Reduce 125*l.* 10*s.* into francs and centimes, exchange at 23 francs 6 centimes per 1*l.*
(100 centimes=1 franc.)
Divide 74*l.* 13*s.* 6*d.* by 17.
Salary 28*l.* 7*s.* a-year, what is due for 95 days?

Case 3.

What is the income of a person who pays 22*l.* 7*s.* 5*d.* for income tax at the rate of 7*d.* per pound?
If an officer's pay is 12*s.* 3*d.* per day, what is that per year?
A banker owes 2,468*l.*, and he could pay 15*s.* 6*d.* in the pound, what were his effects worth?
There were 377 labourers employed in the Royal Exchange and the New Houses of Parliament, what were their whole wages per week at 1*s.* 8*d.* per day each?
A bankrupt owes 4,726*l.* 10*s.*, and his effects are worth 1,181*l.* 12*s.* 6*d.*, how much will he be able to pay in the pound?
The charge for carrying the mails by railway to Birmingham is 28*l.* 4*s.* 4*d.* per day, how much is that in 365 days?

Case 4.

As 650*l.* 13*s.* 4*d.* : 83*l.* 12*s.* 4*d.* : : 2*l.*
Divide 74*l.* 13*s.* 6*d.* by 17.
Salary 28*l.* 7*s.* a-year, what is due for 95 days?
Reduce 125*l.* 10*s.* into francs and centimes, exchange at 23 francs 6 centimes per £
(100 centimes=1 franc).

Case 5.

Divide 85*l.* 6*s.* by 72.
In 35 guineas how many farthings?
23 yards of cloth at 19*s.* 4*d.* a-yard.
If a horse cost 1*s.* 11*d.* a-day, what will be the charge of 11 horses for one year.

POST OFFICE.

Case 6.

Divide 7,652,194*l.* 0*s.* 9*d.* by 3,076*l.*What is the interest of 387*l.* 14*s.* 2½*d.* at 3¼ per cent. per annum for five years and three monthsMultiply 2,487*l.* 14*s.* 2¼*d.* by 3,076*l.*From 4768954*l.* 13*s.* 7½*d.* take 2989767*l.* 18*s.* 11¾*d.*

£	s.	d.
501	16	8
304	2	9¾
893	15	11½
217	4	10
1	3	4¾
1052	14	10¾
648	17	6½
219	4	2¾

Write in figures one million four hundred and eighty-seven thousand six hundred and twenty-three bales of cotton.

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